



JUNE 2016 KASB POLICY UPDATES

To: Member Unified School Districts and other Member Organizations
From: Angie Stallbaumer, KASB Policy Specialist/Staff Attorney
Re: Recommended Board Policy Updates

Congratulations on completing another successful school year!

KASB issues policy updates each June, December, and as necessary after revisions are made to the Association's policy recommendations. This will be the first set of 2016 policy updates we'll make to our KASB recommended policies. We are emailing the updates to you instead of posting them online this year, as changes to our website have made it temporarily impossible for us to password protect these recommendations online.

If you are having trouble with this delivery method or if you did not receive the December 2015 Policy Updates, please email me at astallbaumer@kasb.org or Leslie Garner, our wonderful legal assistant/paralegal, at lgarner@kasb.org, so one of us can get them sent your way.

The following policy recommendations have been edited and revised by the KASB Legal/Policy Services staff. Along with this letter, you will find a table explaining the changes in policy and copies of each policy showing the edits using Track Changes in Word. A clean copy of the policies with all edits incorporated is also included.

These revisions and new policy language are provided to fill in some gaps where districts desire more comprehensive policy language, to eliminate redundancy, to update the language to ensure compliance with the law, and to make the policies easier to administer.

The contents of this policy package should be reviewed by the superintendent, the clerk, and the board. It may not hurt to run it by your other district administrators, staff, and student body representatives if your policy requires staff and student input. If any of the new policy recommendations meet district needs, they are ready to add to the policy book **after board approval**.

Once adopted, policies have the force and effect of law. Suggested policies should not be placed in the policy book without an opportunity for board discussion and an official motion to approve their addition to the district's policy book.

Minutes from the meeting should reflect when policies were adopted and which policies were approved. To save time in case of an audit, file a copy of the minutes with critical policies required by law.

Notice the phrase "KASB Recommendation – [date]" on each policy. This should reduce confusion as to which KASB policy recommendation is the most current. Remember to delete the date of the KASB recommendation and put in the local adoption date or maintain both separately if it's helpful for you.

Clerks must also make sure an historical policy file is maintained in the district containing older versions of the policies for future reference. Note that these may be scanned and retained electronically to ease your storage burden, but you don't want to discard them altogether.

We sincerely hope these policy recommendations will be helpful for you. If you have comments, questions, or concerns about these policy recommendations, or if you have additional policy questions, call 1-800-432-2471 and ask to speak to Angie Stallbaumer; email me at astallbaumer@kasb.org; or contact another member of the KASB Legal/Policy Services staff.

Sincerely,

Angie Stallbaumer

KASB Policy Specialist/Staff Attorney

JUNE 2016 UPDATED KASB POLICIES

| POLICY CODE | RATIONALE FOR RECOMMENDED REVISION | RECOMMENDED ACTION |
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| <p>AEB (School Year and Learning Opportunities) → New Title</p> | <p>“Extended School Year” is a term used in special education law and using the same term throughout this policy caused confusion. The title and references throughout have been changed.</p> <p>We also recognize that many districts have been forced to shut their doors earlier than anticipated due to budgetary problems, so we added in language reflecting that option.</p> <p>We also updated language concerning additional learning opportunities to reflect after school detentions and Saturday school to be used for students not meeting behavioral standards as well as for those not meeting academic ones.</p> | <p>Review and adopt if preferred. This is not a legally required change.</p> |
| <p>DJEF (Requisitions)</p> | <p>We’ve tried to remove all gender pronouns from our policy in recent years so that the language would be equally applicable to a male or female staff member. However, there was a “him” reference in this policy which had eluded us until now.</p> | <p>Review and adopt the policy if preferred. This is not a legally required change.</p> |
| <p>EBC (Security and Safety)</p> | <p>Senate Bill 367, otherwise known as the Juvenile Justice Bill, has changed the way we would report criminal activity to law enforcement.</p> <p>Essentially, if your district has a memorandum of understanding (“MOU”) with local law enforcement to handle reporting of crimes in a certain way, you would follow the terms of that MOU and not present statute on reporting crimes to law enforcement.</p> | <p>Review and adopt the policy. This is a legally required update.</p> |

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| <p>So, we carved an exception into the language and made some minor updates to the other language to make it flow better and to get rid of redundant language.</p> | | |
| <p>FC (Memorials, Funerals, and Naming of District Facilities) → New Title</p> | <p>We added language concerning hosting funeral and memorial services at schools, providing that district facilities will only be used for that purpose after school hours or on weekends.</p> | <p>Review and adopt if preferred to old language. This is not a legally required change.</p> |
| <p>GAAF (Emergency Safety Interventions)</p> | <p>This policy was revised to address Senate Bill 193's and February's temporary regulation changes to state Emergency Safety Intervention ("ESI") law.</p> <p>Primary changes include, but are not limited to, several new definitions; extensive additions to notice and documentation requirements; and new language concerning special provisions for law enforcement and parent meetings after ESI incidents.</p> | <p>Review and adopt. Changes are legally required.</p> |
| <p>GAF (Staff-Student Relations)</p> | <p>We updated this policy to be more helpful in situations where district staff members have inappropriate relationships with students.</p> <p>The main change prohibits both relationships of a romantic and/or a sexual nature, whereas the language used to just cover sexual relationships. This should allow districts to discipline, nonrenew, or terminate staff for grooming students for romantic relationships even if physical intimacy has not yet begun.</p> | <p>Review and adopt if preferred to current policy. This is not a legally required change.</p> |
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| <p>GAOC (Use of Tobacco Products and Nicotine Delivery Devices) → For Staff (New Title)</p> | <p>We expanded what use to be the tobacco and electronic cigarette policy for staff to prohibit all devices that can be used to deliver nicotine. This would include, but may not be limited to, any electronic cigarette, cigar, cigarillo, pipe, or personal vaporizer.</p> <p>We also placed limitations on where an employee may smoke or use these devices which are consistent with the Kansas Indoor Clean Air Act. Legally, employees cannot smoke within 10 feet of their employer’s building entrances, open windows, or air intake vents.</p> | <p>Review and adopt if preferred. This is not a legally required change, although the restrictions on where smoking can occur are based in law.</p> |
| <p>GARI (Family and Medical Leave Act Plan) → Form</p> | <p>We expanded our model plan language regarding spouses access to Family Medical Leave Act (“FMLA”) leave when they both work for the district.</p> <p>Spouses who are eligible for FMLA leave and are both employed by the district may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee’s parent with a serious health condition.</p> <p>Previous plan language did not address limitations with regard to spouses caring for a parent with a serious health condition even though Federal regulation does.</p> | <p>Review and adopt. This more accurately depicts present Federal law than plans previously offered.</p> |
| <p>GBRE (Additional Duty)</p> | <p>The board may establish other educational assignments that may extend beyond the school day or time class is in session for teachers.</p> <p>However, in many cases, duties which</p> | <p>Review and adopt if your negotiated agreement addresses extra duty pay.</p> |

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| | <p>aren't inherent to the primary contract of the teacher would be considered supplemental duties. Present negotiations law requires that pay for supplemental duties is mandatorily negotiable.</p> <p>With this update, we simply said that compensation for additional duties, if any, will be as specified in the negotiated agreement.</p> | |
| <p>IDAE (Student Privacy Policy)</p> | <p>We made changes to the language to better reflect our interpretation of the Student Data Privacy Act ("SDPA").</p> <p>The law on this topic provides that any data submitted to and maintained by a statewide longitudinal data system be disclosed only in accordance with SDPA. So, the main change was replacing an "or" with "and" so it was clear the data had to be both submitted to AND maintained by such a system before SDPA would apply.</p> | <p>Review and adopt, as this is more legally accurate.</p> |
| <p>JBE (Truancy)</p> | <p>As with EBC above, we made changes to this policy to address Senate Bill 367's MOU exceptions.</p> <p>If your district has an MOU with local law enforcement or the Department for Children and Families to handle reporting of truancy in a certain way, you would follow the terms of that MOU and not the current statute on reporting truancy.</p> <p>So, we carved an exception into the language addressing MOUs.</p> | <p>Review and adopt, as it is based on changes in law.</p> |
| <p>JCDAA (Tobacco and Nicotine Delivery Devices) → For Students (New Title)</p> | <p>We expanded what used to be the tobacco and electronic cigarette policy for students to prohibit all devices that can be used to deliver nicotine. This would include, but may not be limited to, any electronic</p> | <p>Review and adopt if preferred to present language. This is not a legally required</p> |

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| | <p>cigarette, cigar, cigarillo, pipe, or personal vaporizer.</p> <p>So, if a student is using these devices, it doesn't matter whether a nicotine substance is being inhaled or not. If they are using a device that is capable of delivering nicotine whatsoever, you may discipline the students.</p> | change. |
| JCDBB (Weapons) | <p>We made changes to our policy to reflect the impact of HB 2502 passed this session (or in the 2016 session).</p> <p>Pursuant to this bill, school districts cannot prohibit the possession of air guns at school, on school property, or at a school-supervised activity when a pupil is participating in air gun-related activities conducted by an organization at school or when the student is in transit to or from such activities off of school property.</p> | <p>Review and adopt. This is based on changes in the law.</p> |
| JDDB (Reporting to Law Enforcement) | <p>As with EBC and JBE, we made changes to this policy to address Senate Bill 367's MOU exceptions.</p> <p>If your district has an MOU with local law enforcement to handle reporting of crimes and certain prohibited actions at school or school supervised activities, you would follow the terms of that MOU and not the present statute on reporting.</p> <p>We carved an exception into the language addressing MOUs.</p> | <p>Review and adopt. This is based on changes in the law.</p> |
| JGCD (Health Screenings) → NEW | <p>We offer this policy on health screenings to address present law and common practice regarding provision of school health screenings.</p> | <p>Review and adopt if preferred. This policy is not required.</p> |

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| <p>KGB (Concealed Observations) → NEW</p> | <p>We offer this policy to prohibit individuals from recording students, employees, and/or board members surreptitiously or through the use of concealed audio and/or visual recording devices at school, on or in district property, and at meetings and conferences held for educational or disciplinary purposes.</p> | <p>Review and adopt if preferred.</p> |
| <p>Kansas law provides that any party to a conversation may lawfully record the conversation. However, we are using your Home Rule authority to limit recording unless we know it is taking place (with some exceptions for extracurricular activities).</p> | <p>In this way, schools can make their own copy of the conversation to ensure they have a full legal record of what transpired, or schools can at least be mindful that employee interactions are subject to recording.</p> | |
| <p>TOTAL=</p> | <p>13 Existing Policy Revisions 2 New Policies 1 Revised Form</p> | |

Source: KASB Legal and Policy Services

AEB Extended School Year and Learning Opportunities AEB

(See AE, JBD, JBE, JCDA, and JDD)

Extended Prolonged or Shortened School Year

The board may ~~extend-prolong or shorten~~ the regular academic year. The superintendent shall be responsible for preparing a plan and presenting it to the board, as necessary. The board may ~~extend-prolong or shorten~~ the regularly scheduled academic year because of the following types of circumstances which are stated by way of illustration and not by way of limitation: adverse weather conditions, building maintenance problems, personnel problems, public health reasons, or budgetary problems.

Should the school year be shortened by board action, the board must take steps to ensure the school term provided includes at least the minimum number of days or hours required by Kansas law.

Extended Additional Learning Opportunities for Students

The board may require ~~extended-additional~~ learning opportunities for students not meeting minimum academic or behavioral requirements-standards as defined by the board or as outlined in board policy and/or handbook language. Students may be assigned to ~~extended-additional~~ academic sessions including, but not limited to taking place:

- before- or after-school;
- on Saturday-school; and/or
- during the summer ~~sessions~~.

~~Regulations necessary to govern extended academic sessions shall be recommended by the superintendent for board approval.~~ Truancy laws, suspension and expulsion policies and law, and all appropriate portions of the

AEB School Year and Learning Opportunities AEB

student behavior code shall apply during ~~extended~~additional academic sessions.

Approved:

KASB Recommendation – 7/02; 4/07; 6/16

DJEF Requisitions

DJEF

The purchasing agent shall develop a requisition form to be used by staff members requesting that certain goods be purchased for the district.

All requisitions shall be submitted to the purchasing agent ~~at a time designated by him~~ by the designated deadline. After a purchase order has been issued, the number of the purchase order shall be recorded on the requisition, and the number of the requisition shall be recorded on the purchase order. After processing, the original copy of the requisition shall be filed in the office of the purchasing agent in numerical sequence.

School letterhead ~~paper~~ shall not be used in ordering supplies and equipment for the personal use or purchase by employees.

Approved:

KASB Recommendation - 4/07; 6/16

(See JCAC, JCDBB, JDD, JDDB, JDDC, JGGA, and KGD)

Security devices may be installed at district attendance centers. Other measures may be taken to prevent intrusions or disturbances from occurring in school buildings or trespassing on school grounds. The district will cooperate with law enforcement in security matters and shall, as required by law and by this policy, report felonies and misdemeanors committed at school, on school property or at school-sponsored activities.

Reporting Crimes at School to Law Enforcement

Unless reporting would violate the terms of any memorandum of understanding between the district and local law enforcement, Any-any district employee who knows or has reason to believe any of the following has occurred at school, ~~;~~ on school property; or at a school-sponsored activity, program, or event shall immediately report this information to local law enforcement: ~~an.~~

Reportable events would include:

- any -act which constitutes the commission of a felony or a misdemeanor;
- or
- any act which involves the possession, use, or disposal of explosives, firearms, or other weapons as defined in current law.

It is recommended the building administrator also be notified.

Reporting Certain Students to Administrators and Staff

Administrative, professional, or paraprofessional employees of a school who have information that any of a pupil has engaged in the following has occurred shall report the information and the identity of the pupil-student responsible to the superintendent.

Reportable events include:

- A student being expelled for conduct which endangers the safety of others;
- A student being expelled for commission of felony type offenses;
- A student being expelled for possession of a weapon;
- A student being adjudged to be a juvenile offender for an offense, which, if committed by an adult, would constitute a felony, except a felony theft offense involving no direct threat to human life;
- A student being tried and convicted as an adult for any felony, except theft involving no direct threat to human life.

_____The superintendent shall investigate the matter and, if it is ~~confirmed~~determined the student has been involved in the following, the superintendent shall provide appropriate information, and the identity of the student responsible to all employees who are involved in or likely to be directly involved in teaching or providing related services to ~~pupil~~the student;

~~Any pupil who has been expelled for conduct which endangers the safety of others.~~

~~Any student who has been expelled for commission of felony type offenses;~~

~~Any student who has been expelled for possession of a weapon;~~

~~Any student who has been adjudged to be a juvenile offender and whose offense, if committed by an adult, would constitute a felony, except a felony theft offense involving no direct threat to human life;~~

~~Any student who has been tried and convicted as an adult of any felony, except theft involving no direct threat to human life.~~

Annual Reports

The principal of each building shall prepare all reports required by law and present them to the board and the state board of education annually. Reports shall not include any personally identifiable information about students. These reports and this policy may be made available upon request to parents, patrons, students, ~~and employees,~~ and others ~~who request the information.~~

Staff Immunity

No board of education, board member, superintendent of schools, or school employee shall be liable for damages in a civil action resulting from a person's good faith acts or omission in complying with the requirements or provisions of the Kansas school safety and security act.

Approved:

KASB Recommendation-7/96; 6/98; 6/99; 7/03; 4/07; 6/16

FC Memorials, Funerals, and Naming of District Facilities (See KG) FC

Requests to use district buildings and/or facilities for displaying permanent memorials, hosting funeral or memorial services, or honoring a person with its name shall be considered in accordance with the following provisions.

Memorials

As places designed primarily to support learning, school sites should not serve as the main venue for permanent memorials for students or staff. Permanent memorials for deceased students or staff shall be limited in form to perpetual awards or scholarships for district students.

Any permanent memorials in existence before the adoption of this policy can only be removed by board action.

Funerals

Use of school facilities for funerals is discouraged. If requests are made to hold funeral or memorial services at district facilities, such requests will only be considered if any services are scheduled after school has dismissed for the day or on weekends.

The superintendent shall handle requests for funeral and memorial services and shall report the disposition of those requests to the board.

Naming of Facilities

The board will consider requests from school and community groups to name an athletic or other school activity facility, building, or a portion thereof for a person provided the proposed name has special significance and/or the person has made an outstanding contribution to the school or the school system

FC Memorials, Funerals, and Naming of District Facilities FC

and has been deceased for at least {10} years. The board shall consider naming requests after they are recommended by the superintendent.

Approved:

KASB Recommendation – 6/13; 6/16

GAAF Emergency Safety Interventions (See GAO, JRB, JQ, and KN)**GAAF**

The board of education is committed to limiting the use of Emergency Safety Interventions (“ESI”), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only when a student's conduct necessitates the use of an emergency safety intervention as defined below. The board of education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.

This policy shall be made available on the district website with links to the policy available on any individual school pages. In addition, this policy shall be included in at least one of the following: each school’s code of conduct, school safety plan, or student handbook. Notice of the online availability of this policy shall be provided to parents during enrollment each year.

Definitions ~~(See K.A.R. 91-42-1)~~

“Campus police officer” means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments thereto.

“Chemical Restraint” means the use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement.

“Emergency Safety Intervention” is the use of seclusion or physical restraint, but does not include physical escort or the use of time-out.

“Incident” means each occurrence of the use of an emergency safety intervention.

“Law enforcement officer” and “police officer” mean a full-time or part-time salaried officer or employee of the state, a county, or a city, whose duties include the prevention or detection of crime and the enforcement of

criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.

“Legitimate law enforcement purpose” means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer’s appointing authority.

“Mechanical Restraint” means any device or object used to limit a student’s movement.

“Parent” means: (1) a natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; ~~or~~ (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.

“Physical Escort” means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

“Physical Restraint” means bodily force used to substantially limit a student’s movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.

“School resource officer” means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

“School security officer” means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing

state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

“Seclusion” means placement of a student in a location where all of the following conditions are met: (1) the student is placed in an enclosed area by school personnel; (2) the student is purposefully isolated from adults and peers; and (3) the student is prevented from leaving, or reasonably believes that he or she will be prevented from leaving the enclosed area.

“Time-out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being ~~confined~~secluded.

Prohibited Types of Restraint

All staff members are prohibited from engaging in the following actions with all students:

- Using face-down (prone) physical restraint;
- Using face-up (supine) physical restraint;
- Using physical restraint that obstructs the student’s airway;
- Using physical restraint that impacts a student’s primary mode of communication;
- Using chemical restraint, except as prescribed treatments for a student’s by a licensed healthcare professional for treatment of a medical or psychiatric condition by a person appropriately licensed to issue such treatments; and
- Use of mechanical restraint, *except*:
 - Protective or stabilizing devices required by law or used in accordance with an order from a ~~licensed healthcare~~

~~professional~~ person appropriately licensed to issue the order for the device;

- Any device used by a certified law enforcement officers to carry out law enforcement duties; or
- Seatbelts and other safety equipment when used to secure students during transportation.

Use of Emergency Safety Interventions

ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm. Less restrictive alternatives to ESI, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any ESI. The use of ESI shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an ESI. Use of an ESI for purposes of discipline, punishment, or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

~~Seclusion-ESI~~ Restrictions

A student shall not be subjected to ~~seclusion-ESI~~ if the student is known to have a medical condition that could put the student in mental or physical danger as a result of ~~seclusion-ESI~~. The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which has been provided to the school and placed in the student's file.

Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why ESI would put the student in mental or physical danger, and any suggested alternatives to ESI. Notwithstanding the provisions of this subsection, a student may be subjected to ESI, if not subjecting the student to ESI would result in significant physical harm to the student or others.

Use of Seclusion

When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.

All seclusion rooms equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in case of emergency, such as fire or severe weather.

A seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such room shall be free of any condition that could be a danger to the student, ~~and shall be~~ well-ventilated, and sufficiently lighted.

Training

All staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques, and prevention techniques. Such training shall be consistent with nationally recognized training programs on ~~the use of emergency safety interventions~~ESI. The intensity of the training provided will depend upon the employee's position. Administrators, licensed staff members, and other staff deemed most likely to need to restrain a student

will be provided more intense training than staff who do not work directly with students in the classroom. District and building administration shall make the determination of the intensity of training required by each position.

Each school building shall maintain written or electronic documentation regarding the training that was provided and a list of participants, which shall be made available for inspection by the state board of education upon request.

Notification and Documentation

The principal or designee shall notify the parent, ~~or if a parent cannot be notified then shall notify an emergency contact person for such student,~~ the same day the ESI was used as an incident. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contacting the parent. A parent may designate a preferred method of contact to receive the same-day notification. Also, a parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.

_____ Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day ~~on which the ESI was used~~ of the incident. Such written documentation shall include: (A) The events leading up to the incident; (B) student behaviors that necessitated the ESI; (C) steps taken to transition the student back into the educational setting; (D) the date and time the incident occurred, the type of ESI used, the duration of the ESI, and the school personnel who used or supervised the ESI; (E) space or an additional form for parents to provide feedback or comments to the school regarding the incident; (F) a statement that invites and strongly encourages

parents to schedule a meeting to discuss the incident and how to prevent future incidents; and (G) email and phone information for the parent to contact the school to schedule the ESI meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the ESIs is the same.

_____ The parent shall be provided the following information after the first and each subsequent incident ~~in which an ESI is used~~ during each school year: (1) a copy of this policy which indicates when ESI can be used; (2) a flyer on the parent's rights; (3) information on the parent's right to file a complaint through the local dispute resolution process (which is set forth in this policy) and, ~~once it has been developed,~~ the complaint process of the state board of education; and (4) information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas. Upon the first occurrence of an incident ~~involving the use of emergency safety interventions of ESI~~, the foregoing information shall be provided in printed form or, upon the parent's written request, by email. ~~And~~ upon the occurrence of a second or subsequent incident, the parent shall be provided ~~through~~ with a full and direct website address containing such information.

Law Enforcement, School Resource, and Campus Security Officers

Campus police officers and school resource officers shall be exempt from the requirements of this policy when engaged in an activity that has a legitimate law enforcement purpose. School security officers shall not be exempt from the requirements of this policy.

If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the school shall notify the parent the same day using the parent's preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth above, regarding law enforcement use of an emergency safety intervention, or report to the state department of education any law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

Documentation of ESI Incidents

~~In addition~~Except as specified above with regard to law enforcement or school resource officer use of emergency safety interventions, each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following:

- Date and time of the ~~intervention~~ESI,
- Type of ~~intervention~~ESI,
- Length of time the ~~intervention~~ESI was used, ~~and~~
- School personnel who participated in or supervised the interventionESI,
- Whether the student had an individualized education program at the time of the incident,
- Whether the student had a section 504 plan at the time of the incident, and whether the student had a behavior intervention plan at the time of the incident.

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent or the superintendent's designee on at least a biannual basis. At least once per school year, each building principal or designee shall review the documentation of ESI incidents with appropriate staff members to consider the appropriateness of the use of ESI in those instances.

Reporting Data

District administration shall report ESI data to the state department of education as required.

~~Three (3) Incidents of ESI for Same Student~~Parent Right to Meeting on ESI Use

After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any such meeting shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

For a student with an IEP or a Section 504 plan ~~has three incidents of ESI in a school year, then~~ such student's IEP team or Section 504 plan team shall ~~meet within ten (10) days following the third incident to~~ discuss the incident and consider the need to conduct a functional behavioral assessment, develop a behavior intervention plan, or amend the behavior intervention plan if already in existence, ~~unless the IEP team or Section 504 team has agreed on a different process.~~

For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for a special education evaluation. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

~~If For~~ a student without an IEP or Section 504 plan, ~~has three incidents of ESI in a school year, then~~ the school staff and the parent shall ~~meet within ten (10) days following the third incident to~~ discuss the incident and consider the appropriateness of a referral for a special education evaluation, the need for a functional behavioral assessment, or the need for a behavior intervention plan. Any such meeting shall include the student's parent, a school administrator for the school the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for such meeting.

The student who is the subject of such meetings ~~after a third ESI incident~~ shall be invited to attend the meeting at the discretion of the parent. The time for calling such a meeting may be extended beyond the 10-day limit if the parent of the student is unable to attend within that time period. Nothing in this section shall be construed to prohibit the development and implementation of a functional behavior assessment or a behavior intervention plan for any student ~~who has not had three ESI incidents in a school year~~ if such student would benefit from such measures.

Local Dispute Resolution Process

If a parent believes that an emergency safety intervention has been used on the parent's child in violation of state law or board policy, the parent may file a complaint as specified below.

_____The board of education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. Once an informal complaint is received, the administrator handling such complaint shall investigate such matter, as deemed appropriate by the administrator. In the event that the complaint is resolved informally, the administrator must provide a written report of the informal resolution to the superintendent and the parents and retain a copy of the report at the school. The superintendent will share the informal resolution with the board of education and provide a copy to the state department of education.

If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the board of education by providing a copy of the complaint to the clerk of the board and the superintendent within thirty (30) days after the parent is informed of the ESI incident.

Upon receipt of a formal written complaint, the board president shall assign an investigator to review the complaint and report findings to the board as a whole. Such investigator may be a board member, a school administrator selected by the board, or a board attorney. Such investigator shall be informed of the obligation to maintain confidentiality of student records and shall report

the findings of fact and recommended corrective action, if any, to the board in executive session.

Any such investigation must be completed within thirty (30) days of receipt of the formal written complaint by the board clerk and superintendent. On or before the 30th day after receipt of the written complaint, the board shall adopt written findings of fact and, if necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be provided to the parents, the school, and the state department of education and shall be mailed to the parents and the state department within 30 days of the board's receipt of the formal complaint.

~~If desired~~~~Once such a procedure has been developed~~, a parent may file a complaint under the state board of education ~~complaint~~ administrative review process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

Approved:

KASB Recommendation – 6/19; 12/13; 6/15; 6/16

GAF Staff-Student Relations

GAF

(See GAAC, GAACA JGEC, JGECA and KN)

Staff members shall maintain professional relationships with students, which are conducive to an effective educational environment. Staff members shall not submit students to bullying, sexual, harassment, or racial harassment discrimination prohibited by board policy. Staff members shall not have any interaction of a romantic and/or sexual nature with any student at any time regardless of the student's age ~~or status~~ or consent.

Approved:

KASB Recommendation – 2/98; 7/03; 4/07; 6/07; 6/16

GAOC Use of Tobacco Products and Nicotine Delivery Devices-Cigarettes
GAOC
(See JCDA)

The use of tobacco products in any form and/or ~~electronic cigarettes~~of any nicotine delivery device is prohibited for staff members in any school building owned or operated by the district; within 10 feet of entrances, open windows, and air intake vents of such buildings; in other district facilities; and in school vehicles. {Any use of tobacco products or ~~cigarettes~~nicotine delivery devices on district property shall be only in areas designated for such purpose.}

For the purposes of this policy, “nicotine delivery device” means any device that can be used to deliver nicotine to the person inhaling from the device. Such definition shall include, but may not be limited to, any electronic cigarette, cigar, cigarillo, pipe, or personal vaporizer.

Approved:

KASB Recommendation - 2/98; 4/07; 6/13; 6/16

GARI FAMILY AND MEDICAL LEAVE PLAN

(Remove this page from the policy book)

SAMPLE: FAMILY AND MEDICAL LEAVE PLAN

Family and medical leave as required by federal law shall be granted for a period of up to 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. ~~Spouses employed by the district may only take an aggregate of 12 weeks of leave for the birth or adoption of a child within a 12-month period.~~ Spouses who are eligible for FMLA leave and are both employed by the district may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.

Leave is available for the following:

- (1) the birth of a son or daughter of the employee and to care for the newborn child;
- (2) the placement of a son or daughter with the employee for adoption or foster care and to care for the newly placed child;
- (3) to allow the employee to care for the employee's spouse, son, daughter, or parent with a serious health condition;
- (4) a serious health condition of the employee that makes the employee unable to perform the functions of his or her job;
- (5) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to achieve active duty) in support of a contingency operation; and
- (6) the need to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. Eligible employees are, for reason (6) only, entitled to a combined total of 26 workweeks of leave during a 12-month period.

~~(Leave for reason 1 or 2 must be taken within 12 months of the date of birth or placement of the child.)~~

This leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, or sick leave that is available for use because of the reason for the leave, the paid leave shall be used concurrently with first and counted toward the annual family and medical leave. The superintendent will notify the employee of the beginning date of family and medical leave and the amount of the employee's accrued paid leave designated as family and medical leave.

The employee is eligible for family and medical leave if he or she has been employed by the district for at least 12 months and has worked at least

GARI FAMILY AND MEDICAL LEAVE PLAN

1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave.

During the period of any unpaid family and medical leave, the board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the clerk of the board on the payroll date or other time as the employee and superintendent may agree prior to the commencement of the leave. The board may terminate group health coverage if the employee's portion of the payment is not received within 30 days of the due date, so long as written notice of the delinquency in payment and the notice of intent to terminate coverage are sent at least 15 days prior to the termination.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as is practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of the following within 5 business days, absent extenuating circumstances:

- a. whether or not the employee is eligible for FMLA leave, and the reasons that leave will or will not count as family and medical leave;
- b. any requirements for medical certification;
- c. employer requirement of substituting paid leave;
- d. requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share;
- e. right to be restored to same or equivalent job; and
- f. any employer required fitness-for-duty certifications. ~~Family leave (reasons 1 or 2) may not be used intermittently or on a part-time basis without the prior approval of the superintendent.~~

The superintendent may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

Leave for reason 1 or 2 must be taken within 12 months of the date of birth or placement of the child. Family leave for reasons 1 or 2 may not be used intermittently or on a part-time basis without the prior approval of the superintendent.

If the leave is for a reason other than the employee's serious health conditions or for a qualifying exigency as described in section (5) above, the superintendent may require an instructional employee to continue leave until the end of a semester, if:

1. the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or
2. the leave begins in the last three (3) weeks of a semester, and lasts more

GARI FAMILY AND MEDICAL LEAVE PLAN

than five (5) days.

GBRE Additional Duty

GBRE

The board may establish other educational assignments that may extend beyond the school day or time class is in session. Compensation for such assignments, if any, will be as specified in the negotiated agreement.

Approved:

KASB Recommendation – 2/98; 4/07; 6/16

The superintendent, the board and staff shall protect the right of privacy of students and their families in connection with any surveys or physical examinations conducted, assisted, or authorized by the board or administration. The district shall annually provide parents notice of their rights under the Protection of Pupil Rights Amendment and the Student Data Privacy Act, at the beginning of each school year, and at any other time the school district policies in the area are substantially changed.

Student Data Restrictions

Any student data submitted to ~~or~~ and maintained ~~in~~ by a statewide longitudinal student data system shall only be disclosed in accordance with the Student Data Privacy Act. Disclosure of all other student data or student record information maintained is governed by the Family Educational Rights and Privacy Act (“FERPA”).

Annual written notice presented to parents and legal guardians of district students shall: 1) require parent or guardian’s signature; and 2) shall state student data submitted to ~~or~~ and maintained ~~by~~ in a statewide longitudinal data system only be disclosed as follows.

Student data may be disclosed to:

- The authorized personnel of an educational agency or the state board of regents who require disclosures to perform assigned duties; and
- The student and the parent or legal guardian of the student, provided the data pertains solely to the student.

Student data may be disclosed to authorized personnel of any state agency, or to a service provider of a state agency, educational agency, or school

performing instruction, assessment, or longitudinal reporting, provided a data-sharing agreement between the educational agency and other state agency or service provider provides the following:

- purpose, scope, and duration of the data-sharing agreement;
- recipient of student data use such information solely for the purposes specified in agreement;
- recipient shall comply with data access, use, and security- restrictions specifically described in agreement; and
- student data shall be destroyed when no longer necessary for purposes of the data-sharing agreement or upon expiration of the agreement, whichever occurs first.

*A service provider engaged to perform a function of instruction may be allowed to retain student transcripts as required by applicable laws and rules and regulations. Destruction shall comply with the NISTSP800-88 standards of data destruction.

Unless an adult student or parent or guardian of a minor student provides written consent to disclose personally identifiable student data, student data may only be disclosed to a governmental entity not specified above or any public or private audit and evaluation or research organization if the data is aggregate data. "Aggregate data" means data collected or reported at the group, cohort, or institutional level and which contains no personally identifiable student data.

The district may disclose:

- Student directory information when necessary and the student's parent or legal guardian has consented in writing;
- directory information to an enhancement vendor providing photography services, class ring services, yearbook publishing services, memorabilia services, or similar services;
- any information requiring disclosure pursuant to state statutes;
- student data pursuant to any lawful subpoena or court order directing such disclosure; and
- student data to a public or private postsecondary educational institution for purposes of application or admission of a student to such postsecondary educational institution with the student's written consent.

Student Data Security Breach

If there is a security breach or unauthorized disclosure of student data or personally identifiable information of any student submitted to or maintained on a statewide student longitudinal data system, each affected student or the parent or legal guardian of the student, if a minor, shall be immediately notified, and an investigation into the causes and consequences of the breach or unauthorized disclosure will be conducted.

Biometric Data

The district shall not collect biometric data from a student or use any device or mechanism to assess a student's physiological or emotional state, unless the adult student or the parent or legal guardian of the minor student

consents in writing. “Biometric data” includes measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

Nothing in this policy shall prohibit the collection of audio voice recordings, facial expression information, and student handwriting for:

- provision of counseling or psychological services,
- conducting student threat assessments,
- completing student disciplinary investigations or hearings, or
- conducting child abuse investigations.

Select Student Surveys

No test, questionnaire, survey, or examination containing any questions about a student’s or the student’s parents’ or guardians’ personal beliefs or practices on issues such as sex, family life, morality, or religion shall be administered to any student unless:

- the parent or guardian is notified in writing; and
- the parent or guardian of the student gives written permission for the student to participate.

Nothing shall prohibit school counselors from providing counseling services, including the administration of tests and forms as part of student counseling services. Any information obtained through such tests or counseling services shall not be stored on any personal mobile electronic device which is not owned by the school district. Storage of such information on personal

laptops, tablets, phones, flash drives, external hard drives, or virtual servers not owned by the district is prohibited.

Students may be questioned:

- in the provision of psychological services,
- conducting of student threat assessments,
- completing student disciplinary investigations or hearings, or
- conducting child abuse investigations.

Collection of such information in these limited circumstances is permitted without prior written consent of the parent, guardian, or adult student.

Approved:

| KASB Recommendation – 7/03; 6/04; 4/07; 6/14; 6/16

Unless reporting would violate the terms of any memorandum of understanding between the district and the authority to which reports would be made. The building principal (or ____) shall report students who are inexcusably absent from school to the appropriate authority.

Truancy is defined as any three consecutive unexcused absences, any five unexcused absences in a semester, or seven unexcused absences in a school year, whichever comes first. School year means the period from July 1 to June 30. Students who are absent without a valid excuse for a significant part of any school day shall be considered truant.

Prior to reporting to either the Department for Children and Families (if the student is under 13) or the county or district attorney (if the student is 13 or more years of age but less than 18 years of age), a letter shall be sent to the student's parent(s) or guardian notifying them that the student's failure to attend school without a valid excuse shall result in the student being reported truant.

Waiver of Compulsory Attendance Requirements

Students 16 or 17 years of age may be exempt from compulsory attendance regulations if the parent(s) or person acting as parent attend(s) the counseling session required by law and signs the appropriate consent and waiver form; if the student earns a GED; or if the student is exempt from compulsory attendance requirements pursuant to a court order.

Involvement of Law Enforcement

Law enforcement officers may return truant children to the school where the child is enrolled, to the child's parent or guardian, or to another location designated by the board to address truancy issues.

Reporting to Parents

If a truant child is returned to school by a law enforcement official, the principal shall notify the parent or guardian.

Dual Enrollment Students

Eligible students who are enrolled in a board-approved dual enrollment program shall not be considered truant for the hours during the school day they attend classes at a Regent's university, community college, technical college, vocational educational school, or Washburn University.

Approved:

KASB Recommendation – 7/96; 9/97; 8/98; 7/02; 6/04; 6/06; 4/07; 6/10; 6/12; 11/12; 1/13; 6/16

JCDAA Tobacco and ~~Electronic Cigarettes~~ Nicotine Delivery Devices (See
GAOC) JCDAA

~~Smoking by students. Use~~ and/or ~~the possession or use of any other~~
tobacco product or electronic cigarette/nicotine delivery device by students is
prohibited in any district facility; in school vehicles; at school-sponsored,
activities, programs, or events, ~~;~~ and on school owned or operated property.

Administrators may report students who are in violation of this policy to
~~the appropriate~~ law enforcement, as appropriate agency.

For the purposes of this policy, “nicotine delivery device” means any
device that can be used to deliver nicotine to the person inhaling from the
device. Such definition shall include, but may not be limited to, any electronic
cigarette, cigar, cigarillo, pipe, or personal vaporizer.

Approved:

KASB Recommendation 7/96; 9/97; 4/07; 6/13; 6/16

A student shall not knowingly possess, handle, or transmit any object that can reasonably be considered a weapon at school, on school property, or at a school-sponsored event. This shall include any weapon, any item being used as a weapon or destructive device, or any facsimile of a weapon.

Weapons and Destructive Devices

As used in this policy, the term “weapon” and/or destructive device” shall include, but shall not be limited to:

- any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- the frame or receiver of any weapon described in the preceding example;
- any firearm muffler or firearm silencer;
- Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or similar device;
- any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant and which has any barrel with a bore of more than 1/2 inch in diameter;
- any combination of parts either designed or intended for use in converting any device into a destructive device described in the two immediately preceding examples and from which a destructive device may be readily assembled;
- any bludgeon, sand club, metal knuckles, or throwing star;
- any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife or any knife having a blade that opens, falls, or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;
- any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.

Penalties for Weapon Violations

Possession of a ~~firearm or other~~ weapon and/or destructive device listed under the “Weapons and Destructive Devices” heading ~~above of this policy~~ shall result in expulsion from school for a period of one calendar year, except the superintendent may recommend this expulsion ~~requirement~~ be modified on a case-by-case basis.

Possession of, handling of, and/or transmitting a weapon of a type other than described under the “Weapons and Destructive Devices” heading above, an item being used as a weapon or destructive device, or a facsimile of a weapon may result in disciplinary action up to and including suspension and/or expulsion. Expulsion hearings for weapons violations shall be conducted by the superintendent or the superintendent’s designee.

Students violating this policy shall be reported to the appropriate law enforcement agency(ies) and, if a juvenile, to the Secretary for DCF or the Secretary of KDOC as appropriate.

Possession of an air gun at school, on school property, or at a school supervised activity will not be prohibited for students participating in an air gun-related activity sponsored by an organization held at school or when in transit to or from such activities held off district property.

Approved:

KASB Recommendation—9/97; 6/99; 6/00; 6/01; 6/04; 4/07; 10/12; 1/13; 6/15;

6/16

Unless reporting would violate the terms of any memorandum of understanding between the district and local law enforcement, wWhenever a student engages in conduct which constitutes the commission of any misdemeanor or felony at school, on school property, or at a school supervised activity and/or has been found 1) in possession of a weapon, 2) in possession of a controlled substance or illegal drug, or 3) to have engaged in behavior at school which has resulted in or was substantially likely to have resulted in serious bodily injury to others, the {principal/superintendent} shall report such act to the appropriate law enforcement agency.

Approved:

KASB Recommendation – 6/99; 6/01; 4/07; 6/07; 9/07; 6/08; 12/15; 6/16

Vision and hearing screenings will be conducted in the district as part of the overall health services program. Frequency of the screenings will be in accordance with state law. When appropriate, other screenings deemed beneficial to students, such as dental screenings, may be performed in the school health program.

When these screenings cannot be performed by district staff, the board authorizes the superintendent to identify healthcare service providers to provide them. Such healthcare service providers shall be required to enter into a contract with the district prior to providing any screenings or other services to students in the school setting.

Vision Screenings

Each year vision screening procedures will be conducted for students new to the district, including kindergarteners. Such procedures will be provided for other students at a frequency of not less than once every two years unless otherwise specified by state law. Students known to have vision difficulties and students referred by teachers, parents, and/or physicians will be screened regardless of grade level.

Hearing Screening

Each year hearing screening procedures will be conducted for students new to the district, including kindergarteners. Such procedures will be provided for other students at a frequency of not less than once every three years unless otherwise specified by state law. Students known to have hearing difficulties and students referred by teachers, parents, and/or physicians will be screened regardless of grade level.

Under certain conditions, hearing screening services are provided for students residing within district boundaries who are enrolled in accredited non-public schools. These services are coordinated between the administration of the accredited nonpublic school and district administration and require a request from the student's parent or guardian. Implementation of the program for nonpublic school students follows the same guidelines as for district students.

Dental Screenings

Free dental inspections will be offered to students, planned for by designated school staff, and conducted by appropriate dental care providers.

Selected Screenings

Other screening procedures may be deemed appropriate and beneficial to students. Designated staff will assist in the planning and implementation of other screening programs following standard procedures.

Screening results, and referrals when necessary, will be communicated to parents.

In accordance with state law, the parent or guardian of any child entering school for the first time shall be informed of the availability of sickle cell screening and of the location of the nearest facility providing blood tests for sickle cell trait and sickle cell anemia.

Approved:

KASB Recommendation – 6/16

KGB Concealed Observations (See JGGA)

KGB

Unless otherwise provided in this policy or policy JGGA, individuals are prohibited from recording students, employees, and/or board members surreptitiously or through the use of concealed audio and/or visual recording devices. This prohibition is in effect at school, on or in district property, and at meetings and conferences held for educational or disciplinary purposes.

Exceptions to this prohibition include the use of video surveillance throughout district facilities and in district vehicles, provided in accordance with JGGA; the recording of meetings subject to the Kansas Open Meetings Act; the recording of due process hearings or student disciplinary hearings for evidentiary purposes; recording of students for use during the student's evaluation or provision of special education services with the principal's prior permission; and the recording of a school sponsored activity, program, or event which is open to the general public.

Individuals wishing to record students, employees, or board members at school, on or in district property, or at meetings and conferences as previously described shall first notify the superintendent or building principal in advance. If such recording is not prohibited by law or policy, the administrator may allow the recording and may make arrangements to record on behalf of the district.

Approved: KASB Recommendation -6/16