#### **DECEMBER 2023 UPDATED KASB POLICIES AND FORMS**

The KASB December 2023 policy updates are now available. The following policy recommendations have been made by the KASB Legal/Policy Services staff. The table below explains the changes in recommended policies. Please review and compare these updates with what you have adopted to ensure you have the most up to date KASB recommended policies.

If you have any questions concerning these policy updates, please direct them to Leslie Garner, KASB's Policy Specialist/Legal Coordinator, at <a href="mailto:lgarner@kasb.org">lgarner@kasb.org</a> or at 1-800-432-2471.

**REMINDER**: KASB made a policy update in October 2023 regarding policy JBCC on enrollment of nonresident students. As this update was in addition to our regular two updates per year cycle, we wanted to make sure no one missed it.

	RATIONALE FOR RECOMMENDED REVISION, ADDITION, OR DELETION	RECOMMENDED ACTION
EBBD Evacuations and Emergencies (revised)	The language in our policy on evacuations and emergencies was modified to give district staff more autonomy to determine when it is safe to dismiss school or release students in emergent situations. With these changes, the person charged with making these decisions on behalf of the administration would be able to determine whether the safety of staff and students was better served by allowing students to leave school or if keeping students under school supervision was safest based on the nature of the situation.	Review and adopt if considered helpful.
EE Food Service Management (revised)	Changes in federal law required districts to adopt more detailed policy language on unpaid meal charges before July 1, 2017. KASB recommended changes to this policy in December of 2016. Recently, we have received more information from the United States Department of Agriculture, the Kansas State Department of Education, and our districts' shared experiences regarding ways to address federal requirements while preserving the dignity of students and families that get behind on student meal payments.	Review, select desired option, enter charging limits by grade span, and adopt if preferred to old policy.
	While some of this language is required by law, there is some room for the district to customize it. For example, a district is able to set different meal charge limits for students in each school level, if desired. There is also the ability for a district to allow students to continue to charge reimbursable meals instead of switching to an alternative meal	

option. There may be some benefit to districts in utilizing reimbursable meals while still seeking debt collection options, and there are concerns for students who may feel stigmatized or singled out by not receiving the same meal other students receive. For this purpose, the board can determine locally what charge limit it wishes to set for students in each grade span, whether reimbursable meals will be continuously provided, or if an alternative meal option is preferred. If an alternative meal option is preferred, care should be taken to ensure students still get the nutrition they need to be successful in school without shaming a student for a negative account balance.

Please note that these policy options are not an exhaustive list of the ways a district may handle this situation by policy, and there is much to consider in making any change to your status quo. The Kansas State Department of Education's child nutrition staff recommends seeking input of stakeholders in your school communities prior to making revisions to your policies in this area, and these sample options can be a jumping off point for those discussions.

When making changes to this policy, remember that federal law still insists districts attempt to recoup unpaid meal debts. So, policy DP on collection procedures goes hand-in-hand with those requirements. While the changes in recommended policy provided with this update did not change the collection procedures to require change to DP, please reflect on how changes to your unpaid meal balance approach might require additional adjustments to DP or your debt collection policy and make those changes simultaneously.

Please consult our online course entitled "Unpaid Meal Charges" on KASB+ or the Kansas State Department of Education's website for more information on school nutrition programs.

## GARIA Pregnant and Parenting Employees (new)

This policy was created to encourage compliance with the Pregnant Workers Fairness Act and the PUMP Act. These federal laws collectively entitle qualifying applicants and employees with known limitations related to pregnancy, childbirth, or related medical conditions to be provided reasonable accommodations, unless the

Review and adopt to have policy in place regarding compliance with federal law.

	accommodations demonstrably impose an undue hardship on the operations of the school system. Among these accommodations is expanding the law regarding reasonable breaks and accessibility to functional locations to express breast milk while at work. In recent history, only employees working in positions deemed non-exempt under the Fair Labor Standards Act were given specified pumping protections under the law, and these protections and accommodations will now expand to all positions in school employment.	
GARID Uniformed Service Leave (revised)(title change)	The provisions of this policy were revised to better comply with the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended. Specifically, changes were made to specify leave and protections of the Act are available to both a larger group of uniformed service branches and to expand the types of services for which the rights apply.	Review and adopt to ensure policy reflects requirements of federal law.
JBH Release of a Student During the School Day (revised)	This policy was modified to cite to and refer back to themes in policy EBBD on evacuations and emergencies. There may be emergent situations when building principals would not automatically release students from the school setting, even with a written or verbal request from a student's lawful parent or person acting as a parent. Specifically, if releasing a student would endanger students, staff, or others, such a request could be denied.	Review and adopt if considered helpful.
JDDAA Student Misuse of Medication (new)	In recent months, we noticed a gap in the student disciplinary framework related to students bringing and distributing prescription or over-the-counter medication. This change was not made in JDDA, as JDDA very closely follows the language of the federal law on drug free schools, and we did not wish to jeopardize legal compliance to cover a loophole in authority to discipline a student for misuse of medication.	Review and adopt if considered helpful.
	Generally, this policy would allow discipline of any student found to be self-administering their own medication at a dosage or rate exceeding product label instructions; distributing over-the-counter or prescription medications to other students; or using or possessing another person's over-the-counter or prescription medication.	
	Notwithstanding the misuses of medication	

	outlined in this policy, Kansas law and board policy would still allow a bystander to administer an opioid antagonist, such as Narcan, to a person the bystander believes to be experiencing an opioid overdose.	
JGFGBA Student Self- Administration of Medication (revised)	This policy was mostly updated to clearly cite to new policy JDDAA regarding misuse of medication by students.	Review and adopt if considered helpful.
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(See EBBF and JBH)

If an emergency interferes with the normal conduct of school affairs, students may be dismissed from school only by the superintendent (or <u>superintendent's designee</u>. A plan for emergency dismissal of students during the school day shall be developed by the superintendent and approved by the board. A copy shall be filed with the clerk, and procedures for dismissal shall be given to parents and students at the beginning of each school year.

School will not be dismissed early because <u>In</u> of an emergency when the safety of students and <u>/or teachers-staff</u> is better served by remaining at school, <u>students will not be released</u>, <u>nor will school be dismissed early</u>.

During an emergency period when there is insufficient warning time, the district will keep all students under school jurisdiction and supervision. The staff shall remain on duty to supervise students during this time. Parents may come to school and pick up their children. Students shall be released according to board policy for release of students during the school day.

### School-Closing Announcements

When the superintendent believes the safety of students is threatened by severe weather, health or safety concerns, or other circumstances, parents and students shall be notified of school closings or cancellations by announcements made over radio/TV station(s), (\_\_\_\_\_\_).

#### Bomb Threats

If there is a bomb threat or similar emergency, the principal shall see that students are escorted to a safe place. The principal shall notify law enforcement agencies of the threat and request a thorough inspection of the buildings and grounds. Other contingencies as noted in the crisis plan shall be followed. If it is determined that no danger exists to the students' safety, and, if there is time remaining in the school day, school shall be resumed.

#### Planning for Emergencies

Each building principal shall develop appropriate emergency procedures which shall be included in the district's crisis plans. As appropriate, portions of the crisis plan developed shall be held in strict confidence by staff members having direct responsibility for implementing the plan.

#### Approved:

KASB Recommendation-7/96; 4/07; 12/20; 12/23

(See EBBD)

A supervisor may be hired by the board to oversee the district's food service program.

#### Sanitation Inspections

The building principal shall inspect each lunchroom to ensure that proper sanitation procedures are being followed.

#### Records

The supervisor shall be responsible for keeping food service records required by state and federal laws and regulations.

The supervisor shall be under the direct supervision of the superintendent and shall have control over all aspects of the district's food service programs subject to board policy, rules and state and federal regulations.

#### Meal Prices

Meal prices shall be determined by the board.

#### Free and or Reduced Price Meals

Parents or guardians of students attending schools participating in federal school meal programs must be informed of the availability of reimbursable school meals and provided with information about eligibility and the process for applying for free or reduced price meals on or before the start of school each year. Access to this policy will be provided to parents or guardians when they receive information regarding eligibility and applying for free or reduced price meals.

#### Unpaid Meal Charges

The district's meal charging requirements are as follows.

#### Option 1:

A charge account for students paying full or reduced price for meals may be established with the district. Students may charge no more than \{\\$20\text{ worth of/5}\}\sqrt{\sqrt{s}}\text{ in the elementary grades, \$\\$\text{ in the middle or junior high grades, and \$\\$\text{ in the high school grades for the purchase of meals to this account without triggering the district's delinquent debt proceedings as outlined in this policy and board policy \text{DP}. Charging of a la carte or extra items to this account will not be permitted.

When the charge levels identified in this policy have been met, a student's meal account becomes delinquent. The student will be allowed to purchase a meal if the student pays for the meal when it is received. Students who have delinquent accounts and cannot pay out of pocket for a meal will be provided a regular, reimbursable meal from the cafeteria menu, which shall be charged to the student's

account while the district proceeds with attempts to resolve the delinquent debt with the student's parent or guardian. If attempts to receive payment for charged meals do not result in full payment of the debt in the timelines provided herein, debt collection proceedings will begin in accordance with board policy DP. At least one verbal and one written warning shall be provided to a student and the student's parent or guardian prior to reaching the delinquent debt threshold outlined herein. Access to this policy will be provided to the student's parent or guardian with the written warning. If payment of the negative balance is not received within 5 working days of the delinquent debt threshold being attained, the debt will be turned over to the superintendent or superintendent's designee for collection in accordance with board policy DP. If the debt is not paid within 10 days of mailing the final notice of the negative account balance under policy DP, it shall be considered bad debt for the purposes of federal law concerning unpaid meal charges. Payments for school meals may be made at the school or district office, at the point of service of . Students, parents, and guardians of students are encouraged school meals, or online at to prepay meal costs. The district will provide a copy of this unpaid meal charges policy to all households at or before the start of school each year and to families and students that transfer into the district at the time of transfer. Ther terms of this policy will also be communicated to all district staff responsible for enforcing any aspect of the policy, a copy of the policy will be posted in district meal service facilities, and the policy will be made available on the district's website and social media accounts. Records of how and when it is communicated to households and staff will be retained. Option 2: A charge account for students paying full or reduced price for meals may be established with the district. Students may charge no more than \$\ in the elementary grades, \$\ in the middle or junior high grades, and \$\ in the high school grades for the purchase of meals to this account. Charging of a la carte or extra items to this account will not be permitted.

Any student failing to keep a chargehis/her account solvent as required by this policythe district shall not be allowed to charge further meals until the negative account balance has been paid in full. However, such students will be allowed to purchase a meal if the student pays for the meal when it is received. Students who have charged the maximum allowance to this account and cannot pay out of pocket for a meal will be provided an alternate meal consisting of a peanut butter, peanut butter alternative, or cheese-peanut butter or deli meat sandwich, fruit, vegetable, and milk. Care will be taken by staff members requesting and distributing any alternate meals per this policy to do so discretely, while protecting the privacy of the student and the student's parent or guardian regarding negative account

balances. When providing an alternate meal, district staff will provide reasonable accommodations to students with disabilities with special dietary needs.

## Food Services Management

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At least one <u>verbal and one</u> written warning shall be provided to a student and <u>the student's</u> his/her parent or guardian prior to denying meals for exceeding the district's charge limit. Access to this policy will be provided to the student's parent or guardian with the written warning. If payment of the negative balance is not received within 5 working days of the maximum charge limit being attained, the debt will be turned over to the superintendent or superintendent's designee for collection in accordance with board policy DP. If the debt is not paid within 10 days of mailing the final notice of the negative account balance under policy DP, it shall be considered bad debt for the purposes of federal law concerning unpaid meal charges.

The district will provide a copy of this unpaid meal charges policy to all households at or before the start of school each year and to families and students that transfer into the district at the time of transfer. The terms of this policy will also be communicated to all district staff responsible for enforcing any aspect of the policy, a copy of the policy will be posted in district meal service facilities, and the policy will be made available on the district's website and social media accounts. Records of how and when it is communicated to households and staff will be retained.

#### Availability of Meals on Remote Learning Days Due to Severe Weather

When severe weather or poor road conditions due to ice and/or snow threaten the safety of students, the superintendent may close district schools or designate such days as remote learning days pursuant to policy EBBD. On these days, the superintendent will determine whether the weather and road conditions allow for safe passage of students, staff, and parents for the provision, service, and transportation of school meals to students.

If the superintendent determines it is safe to provide meal service on these days, school meals will be provided, although the manner of provision may be modified by the superintendent. If the superintendent determines that it is not feasible due to safety concerns to provide meal service on such days, notice that school meals will not be available on that day will be provided to students, parents, and affected staff members. Any alteration of the usual meal service process on these days will be communicated to staff, students, and parents using regular district communication channels.

Approved:

KASB Recommendation - 4/07; 12/16; 6/21; 12/23

# **Pregnant and Parenting Employees**

(See GAAA and GAAB)

The board prohibits discrimination in employment on the basis of pregnancy, childbirth, or
related medical conditions. Pregnant and nursing employees will be provided accommodations as
required by law.
Reasonable Accommodations for Pregnancy-Related Limitations
The Pregnant Workers Fairness Act requires employers to provide reasonable accommodations to
qualified applicants and employees with known limitations related to pregnancy, childbirth, or related
medical conditions. An accommodation is not reasonable if it would impose an undue hardship on the
operation of the school system. No adverse action will be taken against an applicant or employee for
requesting or using a reasonable accommodation.
Break Time to Express Milk
Qualified employees will be provided reasonable break times to express breast milk each time the
employee has need to express milk. The principal or the site supervisor will designate a place, other than a
bathroom, that the employee may use to express milk. Any designated place must be functional as a space
for expressing milk, shielded from view, and free from intrusion from others.

Approved:

KASB Recommendation – 12/23

Employees are entitled to military leave under the Uniformed Services Employment and Reemployment Rights Act of 1994. The Act applies to militaryuniformed service that began on or after December 12, 1994, or militaryuniformed service that began before December 12, 1994, if the employee was a reservist or National Guard member who provided notice to the employer before leaving work. The Act only applies to commissioned officer corps of the National Oceanic and Atmospheric Administration whose service began on or after DeDecember 23, 2020, or were actively engaged in service on December 23, 2020.

Reemployment rights extend to persons who have been absent from work because of "service in the uniformed services." Service in the uniformed services means the performance of a duty on a voluntary or involuntary basis in a uniformed service as outlined below.

#### TYPE OF UNIFORM SERVICE

#### TYPE OF DUTY

United States Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard

Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty

Reserves of the United States Army, Navy,
Marine Corps, Air Force, Space Force, and Coast
Guard

Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty, performing funeral honors duty

Army National Guard or Air National Guard

Active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, state active duty for a period of 14 days or more, state active duty in response to a national emergency or major disaster declared by the President, state active duty in response to a major disaster, absence from work for an examination to determine a person's fitness for any of the above types of duty, performing funeral honors duty

Commissioned Corps of the Public Health Service

Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty

Commissioned Officer Corps of the National Oceanic and Atmospheric Administration

Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty

System Members of the National Urban Search and Rescue Response System

Participation of the System member in exercises, pre-incident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator

Intermittent Personnel Appointed to the Federal Emergency Management Agency

Service to the Federal Emergency Management
Agency or to train for such service

Any Other Category of Persons Designated by the President in a Time of War or National Emergency

Active duty, active duty for training, initial active duty for training, inactive duty training, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty

The uniformed services consist of the following military branches:

Army, Navy, Marine Corps, Air Force or Coast Guard.;

Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve.;

Army National Guard or Air National Guard.;

Commissioned corps of the Public Health Service.;;;; or

Any other category of persons designated by the President in time of war or emergency.

"Service" in the uniformed services means duty on a voluntary or involuntary basis in auniformed service, including:

- Active duty.;
- Active duty for training.;
- Initial active duty for training.;
- Inactive duty training.;
- Full-time National Guard duty.;;;
- Absence from work for an examination to determine a person's fitness for any of the abovetypes of duty.;;
- <del>;-</del>0#

The employee may be absent for up to five (5) years for <u>uniformed service</u> military duty and retain reemployment rights. There are, however, exceptions which can exceed the five (5) year limit. Reemployment protection does not depend on the timing, frequency, duration, or nature of an individual's service. The law enhances protections for disabled veterans including a requirement to provide reasonable accommodations and up to two (2) years to return to work if convalescing from injuries received during service or training.

The returning employee is entitled to be reemployed in the job that they would have attained had they not been absent for military uniformed service, with the same seniority, status and pay, as well as other rights and benefits determined by law. If necessary, the employer must provide training or retraining that enables the employee to refresh or upgrade their skills so they can qualify for reemployment. While the

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individual is performing militaryuniformed service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other individuals on non-<u>USERRA</u>military leaves of absence. Individuals performing military dutyuniformed service of more than 30 days may elect to continue employer sponsored health care for up to 24 months at a cost of up to 102 percent of the full premium. For militaryuniformed service of less than 31 days, health care coverage is provided as if the individual had never left. All pensions which are a reward for length of service are protected.

An Individuals must provide advance written or verbal notice to their employers for any all-military dutyuniformed service. Notice may be provided by the employee or by the branch of the militaryuniformed service in which the individual will be serving.

Notice is not required if military uniformed service necessity prevents the giving of notice; or if the giving of notice is otherwise impossible or unreasonable.

Accrued vacation or annual leave may be used, but is not required, while performing military dutyuniformed service. The individual's timeframe for returning to work is based upon the time spent oin uniformed servicemilitary duty.

TIME SPENT OIN MILITARY DUTYUNIFORMED SERVICE	RETURN TO WORK OR APPLICATION FOR REEMPLOYMENT
Less than 31 days:	Must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight (8) hour rest period.
More than 30 but less than 181 days:	Must submit an application for reemployment

within 14 days of release from service.

More than 180 days:

Must submit an application for reemployment within 90 days of release from service.

The individual's separation from service must be under honorable conditions in order for the person to be entitled to reemployment rights. Documentation showing eligibility for reemployment can be required. The employer has the right to request that an individual who is absent for a period of service of 31 days or more provide documentation showing:

- The application for reemployment is timely;
- the five-year service limitation has not been exceeded; and
- separation from service was under honorable conditions.

If documentation is not readily available or does not exist, the individual must be reemployed. However, if after reemploying the individual, documentation becomes available that shows one or more

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reemployment requirements were not met, the employer may terminate the individual, effective immediately. The termination does not operate retroactively.

Questions regarding military uniformed service leave should be directed to Veterans' Employment and Training Service, U.S. Department of Labor.

Kansas law also requires reemployment if an individual is called to active duty by the state.

Approved:

KASB Recommendation 9/97; 4/07; 6/08; 6/09; 6/10; 6/23; 12/23

(See EBB and EBBD)

Building principals shall <u>only</u>not release a student during the school day <u>except upon with a</u> written or verbal request from the student's lawful parent or person acting as a parent.

Before releasing a student during the school day, the building principal shall be responsible for verifying the identity of the person seeking release of the student.

If the principal is not satisfied with the identification provided by the person seeking release of a student or if the safety of student(s), staff members(s), or others would be endangered by orchestrating the student's release from school, the student's release may be refused.

Students shall not be allowed to run personal errands for school employees off school premises during the school day.

Approved:

KASB Recommendation-7/96; 4/07; 12/23

## **Student Misuse of Medication**

**JDDAA** 

(See JDDA, JGFGB, JGFGBA, and LDD)

Unless otherwise provided herein, students found to be self-administering their own medication at a dosage or rate exceeding product label instructions; distributing over-the-counter or prescription medications to other students; or using or possessing another person's over-the-counter or prescription medication will be subject to disciplinary action, up to and including suspension and expulsion from school.

Notwithstanding the misuses of medication outlined in this policy, Kansas law and board policy allow a bystander to administer an opioid antagonist to a person the bystander believes to be experiencing an opioid overdose.

Approved:

KASB Recommendation - 12/23

## (See JDDA, JDDAA, JGFGB)

The self-administration of medication is allowed for eligible students in grades K–12. As used in this policy, medication includes, but is not limited to, a medicine for the treatment of anaphylaxis or asthma listed in current federal regulation as an inhaled bronchodilator or auto-injectable epinephrine. Self-administration is the student's discretionary use of an approved medication for which the student has a prescription or written direction from a health care provider or written parental authorization on file in the school office for over-the counter medications. Self-administration of medication at a dosage or rate exceeding product label instructions may result in denial of privilege to self-administer medications and/or disciplinary action as appropriate.

As used in this policy, "health care provider" means a physician licensed to practice medicine and surgery; an advanced registered nurse practitioner, or a licensed physician assistant who has authority to prescribe drugs under the supervision of a responsible physician.

#### Student Eligibility

An eligible student shall meet all the following requirements:

- Have a written statement from the student's health care provider stating the name and purpose of any prescription medication/s or written authorization from the student's parent for use of over-the-counter medication/s;
- Know the prescribed or recommended dosage;
- Know the time the medication is to be regularly administered;
- Be able to articulate any additional special circumstances under which the medication is to be administered;
- Know the length of time for which the medication is prescribed; and
- The student shall also demonstrate to the health care provider or the provider's designee, as applicable, and the school nurse or the nurse's designee the skill level necessary to use the medication and any device that is necessary to administer the medication. In the absence of a school nurse, the school shall designate a person who is trained to witness the demonstration.

## **Authorization Required**

With regard to prescription medications which are not administered on a regular schedule, the student's health care provider shall prepare a written treatment plan for managing the student's condition, such as asthma attacks or anaphylaxis episodes, and for medication use by the student during school hours. The student's parent or guardian shall annually complete and submit to the school any written

documentation required by the school, including the treatment plan prepared by the student's health care provider. Permission forms shall be updated {during enrollment/or }.

## **Employee Immunity**

All teachers responsible for the student's supervision shall be notified that permission to carry medications and self-administer has been granted. The school district shall provide written notification to the parent or guardian of a student that the school district and its officers, employees, and agents are not liable for damage, injury, or death resulting directly or indirectly from the self-administration of medication.

## Waiver of Liability

The student's parent or guardian shall sign a statement acknowledging that the school district and its officers, employees, or agents incur no liability for damage, injury, or death resulting directly or indirectly from the self-administration of medication and agreeing to release, indemnify, and hold the district and its officers, employees, and agents, harmless from and against any claims relating to the self-administration of medication allowed by this policy.

# Additional Requirements for Students Prone to Specified Emergencies

- The school district shall require that any back-up medication provided by the student's parent
  or guardian be kept at the student's school in a location to which the student has immediate
  access if there is an asthma or anaphylaxis emergency;
- The school district shall require that all necessary and pertinent information be kept on file at the student's school in a location easily accessible if there is an asthma or anaphylaxis emergency;
- Eligible students shall be allowed to possess and use approved medications at any place
  where the student is subject to the jurisdiction or supervision or the school district, its
  officers, employee, or agents; or
- The board may adopt policy or handbook language which imposes additional requirements
  relating to the self-administration of medication allowed for in this policy and may establish a
  procedure for, and the conditions under which, the authorization for student selfadministration of medication may be revoked.

#### Approved:

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