

# ***CUMBERLAND COUNTY SCHOOLS***

## **Code of Acceptable Behavior & Discipline for Students**



**CUMBERLAND COUNTY  
PANTHERS**

**Reviewed June 18, 2020**

**The Cumberland County Board of Education will not discriminate on the basis of race, sex, national origin, religion, marital status, or disabilities in the administration of this discipline.**

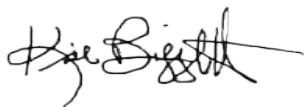
**MISSION STATEMENT**

The Mission of the Cumberland County School District, a system dedicated to equity and excellence, is to enable all students to maximize their potential, both academically and socially, so that they may become productive, responsible citizens.

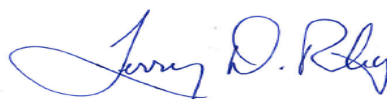
**CUMBERLAND COUNTY BOARD OF EDUCATION STATEMENT**

The Cumberland County Board of Education's intent is to provide a safe, secure and orderly school environment that is conducive to learning and that will require the full cooperation and support of staff, students, their parents, and the community.

In accordance with KRS 158.148 and 704KAR 7:050, this Code of Acceptable Behavior and Discipline for Students is posted at each school, referenced in all school handbooks, and provided to school employees and parents. The code shall establish standards of acceptable student behavior and discipline, and includes District-wide standards of behavior for students who participate in extracurricular and cocurricular activities. Although this discipline code applies to each school, it is a guide and general in nature. Each school in the Cumberland County School District, through the Site Based Decision Making Council, develops and adopts a specific code of acceptable behaviors and discipline policy to be followed at that school and its students.



**Dr. Kirk Biggerstaff, Superintendent**



**Terry Riley, Chairman**

## ***NONDISCRIMINATION POLICY***

***It is the policy of the Cumberland County Board of Education that no student be subjected to discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status in any programs, service, or activity for which the Cumberland County Board of Education is responsible. The Cumberland County Board of Education will comply with the requirements of state and federal law concerning nondiscrimination and will strive by its actions to enhance the dignity and worth of all students and employees.***

***In accordance with Title IX, Title VI and Section 504.***

### **Procedures For Developing The Discipline Code:**

A committee of thirty people was selected. School administrators, teachers, and other school personnel were selected to represent each school. Other members of the committee were selected to represent each PTA in the county along with four students from the high school, the county attorney, a school board member, a state police officer, and a social worker from the department of human resources.

Although the members were selected for different reasons, fifteen members of the committee are parents of students not enrolled in school.

Our committee met for the first time April 8, 1985. We had twenty four members present. The members voiced their opinions and concerns on various aspects of the code. Each member had been given a copy of the guidelines two to four weeks earlier.

Our next step was to develop a draft copy, which was reviewed by the principals, head teachers, superintendent, director of transportation, and instructional supervisor. This meeting was held April 22, 1985. After changing and adding some things, another meeting with the committee was planned for April 29, 1985.

A public hearing was set for May 7, 1985, to discuss the discipline code. The code was on display for inspection from May 1 through May 7.

The suggestions gathered at these meetings were relayed to the school board for their consideration at the May 9, 1985, meeting.

### **Procedure for Developing the Annual Review:**

The code of acceptable behaviors and discipline shall undergo an annual review by the board of education to determine needed changes and revisions. Suggestions will be solicited from the public, students, and school personnel. This review shall be done in July or August before the beginning of a new school year.

### **Orientation:**

Each classroom teacher in grades K-8 shall review the code of acceptable behavior and discipline with their students the first day of school. The principal and/or principal's designee will review the discipline code with students in grades 9-12 during the first 10 instructional days of school. This code applies to all students in the district. The guidance counselor will discuss the discipline code with any new student when he or she enrolls. A copy of the discipline code is available on the school's website. Parents/guardians will sign acknowledgement of accepting the terms of the discipline code during the registration process.

Each principal will be responsible for reviewing the code of acceptable behaviors and discipline with the teachers under his/her control.

### **Due Process:**

A pupil shall not be suspended until after at least the following due process procedures have been provided:

- (a) The pupil has been given oral or written notice of the charge(s) against him/her which constitute cause for suspension;
- (b) The pupil has been given an explanation of the evidence of the charge(s) if the pupil denies them; and
- (c) The pupil has been given an opportunity to present his/her own versions of the facts relating to the charge(s).

These due process procedures shall precede any suspension unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic progress. In such cases, the due process procedures outlined above shall follow the suspension as soon as practicable, but no later than 3 school days after suspension.

### **Appeal Procedures:**

Any student who wishes to express an educational concern or grievance shall observe the following order of appeal:

1. Teacher;
2. Principal;
3. School council;
4. Superintendent;
5. Board of Education. (Policy 09.4281)

### **Allowances for Flexibility and Individual Review to Consider Extenuating Circumstances:**

We would consider these cases which would be illustrated by the following examples:

*Although we have rules against the wearing of sunglasses inside the building, it would be considered and extenuating circumstance if the student had injury to their eyes and the sunglasses would serve to protect their eyes.*

This is not the only instance possible but only serves to illustrate the type of situation where flexibility and individual review are necessary to consider extenuating circumstances.

### **When and Where the Code will Apply:**

Each teacher and principal shall hold pupils to a strict account for their conduct on school premises, on the way to and from school, and on school-sponsored trips and activities. The code applies to all students in the district.

### **Application of the Code to Extra-Curricular Activities:**

In addition to the rules and regulations stated in this code of acceptable behavior and discipline, each extracurricular activity will have rules and regulations pertaining to their activity. Failure to adhere to the rules will result in disciplinary action by the sponsor, director or coaches and/or the principal of the school which the student attends. Extra-curricular activities are privileges provided for students.

### **Rational and Philosophy:**

The Cumberland County Board of Education recognizes its responsibility to help each student reach his or her potential academically and socially. Before any positive impact can be achieved each school must ensure an environment that is conducive to the learning process.

The learning environment is most often adversely affected by inappropriate behavior and the lack of a consistent and effective disciplinary response. Therefore, we see the establishment of a consistent local code of acceptable behaviors and discipline as a big step toward assuring a positive learning environment. This code applies to all students in the district.

While each person has certain rights and freedoms conferred upon them by state and federal laws, they also have the responsibility to respect the individual rights of others. In an attempt to recognize these rights and maintain an orderly environment, the requirements of due process and other constitutional standards will be adhered to.

### **Student Rights:**

1. Students, until they have either successfully completed a twelve-year educational program or reached the age of 21 years, whichever comes first, are entitled to receive a free public education.
2. Students have the right to receive academic grades based only on academic performance.
3. Students will receive reasonable and timely notice of all rules, regulations, policies, and penalties to which they may be subject.
4. Students 18 years of age or older, married, and other students with their parents and/or guardians' written consent, have the right to inspect, review, and transfer their educational records, including the right to challenge any misleading or inaccurate statement contained in their record.
5. Students have the right to makeup work upon returning to school from an absence.
6. Students are given the right to be represented by students in the decision-making process on matters that relate to the standards of achievement, conduct, elections, and participation where system-wide committees are appointed to address these matters.
7. Students are guaranteed the right to freedom of expression as related to speech, assembly, appearance, publication, and the circulation of petitions and literature, recognizing, however, no right is absolute, including freedom of expression and assembly, which cannot be exercised to interfere with orderly educational process.
8. Students are entitled to freedom from verbal and/or physical abuse by other students, faculty members, school administrators, and other school personnel.
9. Students have the right to organize or to have membership in groups/clubs within the school so long as they do not disrupt the orderly educational process and do not discriminate against any student because of gender, religion, age, race, national origin, economic status, marital or parental status, sexual preferences, handicapped condition and/or veteran status.
10. Students have the right to be secure from unreasonable searches of their person and property and from unreasonable seizure of their property.
11. Students are guaranteed the right of procedural due process when any charge or accusation has been made against them. They also have the right to appeal as stated in this code of acceptable behavior and discipline.
12. Students have the right to present complaints or grievances to school authorities and receive replies from school officials regarding such matters.

### **Student Responsibilities for Acceptable Behavior:**

1. To attend school according to attendance rules.
2. Be accountable for his/her own conduct and for showing consideration for the rights and property of others.
3. Exhibit neatness and cleanliness of personal dress and hygiene.
4. Refrain from fighting, creating disturbance, excessive noise, abusive language, denying others the use of school facilities or buildings, using or carrying any weapon on school premises or at school activities, intentionally injuring another person or exposing others to harm, or using threats or intimidation against any other person to maintain a safe and orderly learning environment.
5. Refrain from gambling, extortion, theft, lotteries, or any other unlawful activity.
6. Refrain from the use and/or possession of e-cigarette, vaping, or tobacco or products.
7. Refrain from furnishing/selling/possession or use of drugs or alcohol.
8. Show respect for educational process by taking advantage of every opportunity to further his/her education.
9. Care for the equipment and physical facilities of the school by refraining from willful destruction and damage.
10. Skateboarding/Roller Blades/Roller Skates are not allowed on school property.
11. Practice self-control at all times.
12. Follow the rules and regulations of the board of education and/or the school administration.
13. Student's dress should be such as to not cause a disruptive atmosphere within the school. Principals along with the SBDM council of each school will set an appropriate dress code for the students of that school.
14. To obey the rules established by their teachers for the orderly conduct of their classroom, and to maintain a safe and orderly learning environment.

### **Parent/Guardian Rights:**

1. To send their child to a school with a positive educational climate.
2. To expect all disruptive behavior to be dealt with fairly, firmly, and quickly.
3. To enroll their child in regularly scheduled classes with minimal interruptions.
4. To expect their school to maintain high academic and accreditation standards.
5. To review the student's academic progress and other pertinent information, which may be contained in the student's personnel records.
6. To address grievances to proper school authorities concerning their child and to receive a prompt reply pertaining to the specific grievances.

### **Parent/Guardian Responsibilities:**

1. To instill in the children the values of an education, a sense of responsibility, and a sense of respect.
2. To understand that unnecessary interruptions in the school is detrimental to the educational program for all students.
3. To be familiar with the educational program and procedures.
4. To inform children about the disciplinary procedures of the school and emphasize the importance of following them.
5. To see that their children attend school regularly and promptly.
6. To check with the proper school officials regarding the facts of any situation that they might question.
7. To inform the school officials of any long-term illness affecting their child.
8. To exhibit concern for the progress and grades of their child.
9. To support and demonstrate respect for the teachers, administrator, and school personnel at school and all school related activities to maintain a safe and orderly learning environment.
10. To see that their child exhibits neatness and cleanliness in their personal attire and hygiene.
11. To support a safe school environment for their child by being responsible for the unnecessary accessibility of weapons or dangerous materials that children could access in their homes and bring to school.

### **Principal/Designated Teacher in Charge Rights:**

1. To support the students, parents, and teachers in carrying out the educational programs and policies established by the school system.
2. To provide input for the establishment of procedures and regulations that relate to the school.
3. To safety from physical harm and verbal abuse by parents or students.
4. To take necessary action in emergencies to protect their own person or property or the persons or property of those in their care.
5. Suspend any student for violations that warrant it.
6. Administer the school environment to provide the proper learning atmosphere.

### **Principal/Designated Teacher in Charge Responsibilities:**

1. To create and foster an atmosphere of mutual respect and consideration among pupils and staff members.

2. To administer discipline fairly, equally following the guidelines set forth herein, but in doing so use his/her own best judgment.
3. To exhibit exemplary behavior in action, dress, and speech.
4. To implement and evaluate all aspects of the educational program to improve learning and comply with the policies, regulations, procedure or laws of the district, state, and nation.
5. To direct a program of dissemination of information explaining the code of acceptable behavior and discipline to the school community.
6. To help teachers contact parents for parent-teacher conferences.

### **Teacher Rights:**

1. To expect support of their fellow teachers and administrators.
2. To work in an educational environment with minimum disruptions.
3. To expect all assignments, including homework, to be completed and turned in as assigned.
4. To remove any student from class whose behavior significantly disrupts a positive learning environment, and the consequences will be determined by the principal.
5. To safety from physical harm and freedom from verbal abuse.
6. To provide input to aid in the formulation of policies that relate to their relationships with students and school personnel.
7. Take action necessary in emergencies to protect their own person or property or to protect the person or property entrusted to their care.

### **Teacher Responsibilities:**

1. To present subject matter and experience to students and to inform students and parents or guardians of achievement and or problems.
2. To aid in planning a flexible curriculum that meets the needs of all students.
3. To maintain high standards of academic achievement.
4. To administer such disciplinary measures as outlined in this code in order to maintain a positive learning climate.
5. To evaluate students' assignments and return them as soon as possible.
6. To exhibit exemplary behavior in terms of dress, action, and speech.
7. To exhibit neatness and cleanliness of personal dress and hygiene.
8. To exhibit an attitude of respect for all students.
9. To reward exemplary behavior or work of students.
10. To maintain an atmosphere conducive to good behavior.
11. To recommend for retention in a class any student who fails to meet the standards necessary for promotion.
12. To follow and enforce rules and regulations of the board of education and/or school administration.
13. To care for the equipment and physical facilities of the school.

## Disciplinary Responses to Student Misconduct

The following chart, describing disciplinary responses to student misconduct, is meant to serve as illustrations of the levels of misconduct along with examples that would be familiar to the student and understandable by the public. **The examples are not meant to be all-inclusive, but are to be descriptive of the type of behavior for that level of misconduct.** The disciplinary response procedure along with the staff member to intervene will be listed. The response options to be utilized will also be listed.

Levels of Misconduct	Examples	Disciplinary Response Procedures	Response Options
I. Minor misbehavior on the part of the student, which impedes orderly classroom procedures or interferes with the orderly operation of the school. These misbehaviors can usually be handled by an individual staff member but sometimes require the intervention of other school support personnel.	Classroom disturbance Bullying Classroom tardiness Abusive language Non defiant failure to complete assignments or carry out directions  Any student caught giving or receiving aid on an exam will receive an automatic "O" for that exam.	There is immediate intervention by the staff member who is supervising the student or who observes the misbehavior.  Repeated misbehavior requires a parent/teacher conference, conference with the counselor and/or administrator.  A proper and accurate record of the offenses and disciplinary action is maintained by the staff member	Verbal reprimands Special assignment Behavioral contract Counseling Withdrawal of privileges Strict supervised study In-School Detention After-School Detention
II. Misbehavior whose frequency or seriousness tends to disrupt the learning climate of the school.  These infractions, which usually result from the continuation of LEVEL I misbehaviors, require the intervention of personnel on the administrative level because the execution of LEVEL I disciplinary options has failed to correct the situation. Also included in this level are misbehaviors which do not represent a direct threat to the health and safety of others but whose educational consequences are serious enough to require corrective action on the part of the administrative personnel.	Continuation of unmodified LEVEL I behavior School tardiness  Bullying  The use and/or possession of tobacco products during school hours  Using forged notes or excuses Disruptive classroom behavior Cutting class Starting or promoting rumors that disrupts the school.	The student is referred to the administrator for appropriate disciplinary action.  The administrator meets with the student and/or teacher and selects the most appropriate response. The student is given due process.  The teacher is informed of the administrator's action.  A proper and accurate record of offense and the disciplinary action is maintained by the administration.  A parent conference is held.	Same Response options from Level I  Suspension  Teacher/schedule change (when possible)  Modified Day
III. Acts directed against persons or property but whose consequences do not seriously endanger the health or safety of others in the school.  These acts might be considered criminal but most frequently can be handled by the disciplinary mechanism in the school. Corrective measures, which the school should undertake, however depend on the extent of the school's resources for remediating the situation in the best interests of all students	Continuation of unmodified LEVEL II misbehavior Fighting (Simple) Bullying/Retaliation Vandalism (minor) Stealing Threats to others Fireworks possession or use Defiance of Authority Lewd or Vulgar Acts	The administrator initiates disciplinary action by investigating the infraction and conferring with staff on the extent of the act. The student is given due process.  The administrator meets with the student and confers with the parent about the student's misconduct and the resulting disciplinary action.  A proper and accurate record of offenses and disciplinary actions is maintained by the administrator.	Same response options from previous Levels Removal from class Suspension Administrator files "Beyond Control of School Authorities" Petition Referral to the District Discipline Committee Placement in Panther Academy
IV. Acts which result in violence to another's person or property or which pose a direct threat to the safety of others in the school.  These acts are clearly criminal and are so serious that they always require administrative actions, which result in the immediate removal of the student from school, the intervention of law enforcement authorities and action by the board of education.	Unmodified LEVEL III Extortion, Bomb Threat, Arson; Possession/use/transfer of dangerous weapons or look alike when presented like a real gun. Violation of Gun-free School Provisions Assault/battery, Vandalism, Bullying/Retaliation Theft/possession/sale of stolen property Furnishing/selling/possession or use of drugs and/or alcohol. Hazing of other students/Sexual Harassment "Looks Outs" or complicity for any of the above acts.	The administrator verifies the offense, confers with the staff involved and meets with student. The student is given due process.  The student is immediately removed from the school environment. Parents are notified.  School officials contact law enforcement agency and assist in prosecuting offender.  A complete and accurate report is submitted to the superintendent for further evaluation and/or action.	Same response options from previous Levels  Expulsion with placement to Panther Academy or Panther Virtual Academy Expulsion with services Other board action which results in appropriate placement (see discussion of expulsion issue)



### **Special Education/Section 504:**

In cases where disciplinary action involves disabled students or students who have been referred for evaluation for possible placement and/or related services, the following procedures shall be followed:

If suspension or expulsion is essential to protect persons, property, or to avoid disruption of the ongoing educational process, then:

- (a.) A disabled child may be suspended temporarily without the special education change of placement procedures. (KRS 158.150 and OAG 78-637 outlines due process requirements which must be followed in suspension of all children.)
- (b.) A disabled child may be expelled as long as the appropriate committee procedures are followed with a committee determination that the child's disruptive behavior was not a result of the handicapping condition.
- (c.) A disabled child may not be expelled if the committee determines that the child's disruptive behavior was a result of the handicapping condition.
- (d.) Even if the child is expelled through the appropriate procedures, there must not be a complete cessation of educational services. Therefore, if a disabled child is expelled, alternative services must be provided.

For more information refer to the Special Education Policies and Procedures and Section 504 Policy Manual.

### **Suspension or Expulsion of Pupils:**

#### **Suspension**

##### *Who May Suspend:*

In accordance with KRS 158.150, the Principal or assistant Principal may suspend a pupil up to a maximum of five (5) days per incident.

The Superintendent may suspend a pupil pending an expulsion hearing.

##### *Length of Suspension:*

A pupil may not be suspended for more than a total of ten (10) days per incident.

Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the Superintendent/designee.

##### *Prior Due Process Required:*

As pupil shall not be suspended until due process procedures have been provided as described in KRS 158.150 (09.431), unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process. If the Superintendent lengthens the period of suspension imposed by the principal, additional due process shall be provided.

##### *Imminent Danger:*

In such cases, due process shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

##### *Written Report Required:*

The Principal or assistant Principal shall report any suspension in writing immediately to the Superintendent and to the parent of the pupil being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

##### *Students with Disabilities:*

In cases, which involve students with disabilities, the procedures mandated by federal and state law for students with disabilities shall be followed

#### **Expulsion:**

The Board may expel any pupil from the regular school setting for misconduct as defined by law. Provision of educational services will be required unless the Board determines, on the record and supported by clear and convincing evidence, that the expelled student poses a threat to the safety of other students or school staff and cannot be placed in a state-funded agency program. The Superintendent shall present to the Board for its approval options for providing educational services to expelled students.

### *Hearing and Records Required:*

Action to expel a pupil shall not be taken until the parent of the pupil has had an opportunity for a hearing before the Board. The special education and disciplinary records of IDEA eligible students shall be sent to the Board for Review before the decision is made to expel.

### *Board Decision Final:*

The Board's decision shall be final.

### *Students with Disabilities:*

In cases, which involve students with disabilities, procedures mandated by federal and state law for students with disabilities shall be followed. (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled.

### *Transfer of Records:*

Record transferred to another school must reflect the charges and final action of an expulsion hearing if the student was expelled for homicide, assault, or an offense in violation of state law or school regulations governing weapons, alcohol or drugs. Records of a student facing an expulsion hearing on charges described above shall not be transferred until the expulsion hearing process is completed.

Expulsion is the most serious penalty that a school can impose. Clearly, some conduct especially that which proves a serious or immediate threat to the safety or wellbeing of student or staff requires the removal of the offender from the school.

### **Search and Seizure:**

While school officials shall be concerned with safeguarding the rights of the students, they must also be concerned with the rights of the school, its teachers and its administrators.

A student in the public common schools has the constitutional right to be secure in his or her person from all unreasonable searches and seizures. Students will only be searched if it bears a rational relationship to a legitimate educational interest, and is based upon reasonable suspicion. Limitations on the reasonableness of a search exist depending upon the nature of the place searched, along with other factors such as the age of the student and the purpose of the search. Use of drug dogs, metal detectors, school-wide searches or other methods may be conducted as a preventive measure.

Property will not be seized unless it is considered to be disruptive, dangerous, illegal, or otherwise mentioned as being prohibited.

### **Student Conduct:**

The Superintendent/designee shall be responsible for overall implementation and supervision of the Board's code of acceptable behavior and discipline, and each Principal shall be responsible for administration and implementation of the code within each school. The Principal shall apply the code uniformly and fairly to each student without partiality or discrimination.

The principal of each school, or school council in schools with SBDM, shall set school policy concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to carry out the code.

### **Disrupting the Educational Process:**

The following procedures shall be used when an individual or a group is disrupting the educational process:

1. The Principal/designee shall notify the Superintendent, as appropriate.
2. The Principal and staff shall make every effort to keep the disturbance isolated and keep uninvolved students from the scene.
3. A staff member should accompany the Principal/designee to the area in which the disturbance is occurring. If the students involved do not respond to the Principal's directions, the staff member is to telephone for additional staff assistance or for the police as directed by the Principal.
4. School schedules and operations shall be maintained at a normal level.
5. Teachers shall continue normal classroom activities unless otherwise instructed.
6. Teachers shall not permit students to leave the room; however, teachers should not try to physically restrain students from leaving the room.
7. The staff shall avoid physical involvement except for self-protection or protection of students.

8. The staff shall cooperate with the Principal and shall identify those involved in the disruption.
9. Normal disciplinary action shall be administered to those involved in the disturbance.

### **Care of School and Personal Property:**

#### *Pupils Responsible:*

Pupils shall be held responsible for damage to school property.

#### *School Property:*

Any pupil, organization, or group of pupils participating in activities who destroys, defaces, damages or removes school property shall be subject to disciplinary action and liability for the cost of restoring the property.

In addition, when they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves damage to school property. For the purposes of determining when to make this report, damage to school property shall refer to instances involving:

1. Intentional harm, and
2. Damage beyond minor loss or breakage, excluding normal wear and tear.

#### *Personal Property of School Personnel:*

Any pupil, organization, or group of pupils who steals or willfully or wantonly destroys, defaces, or damages the personal property of school personnel on school property, off school property, or at school-sponsored activities shall be subject to suspension or expulsion from school.

#### *Student's Property:*

Any pupil, organization, or group of pupils participating in activities who destroys, defaces, damages or steals the personal property of students shall be subject to disciplinary action.

#### *Parents Liable:*

Parents shall be liable for property damage caused by their minor children.

### **Safe Schools:**

School administrators, teachers, or other school personnel *may immediately remove or cause to be removed threatening or violent students* from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur.

The Board is required by law to provide for disciplinary action, up to and including expulsion, for students who possess prescription drugs or controlled substances for sale or distribution at school or who have physically assaulted, battered, or abused educational personnel or students at school or at a school function.

When they have reasonable belief that a violation has taken place, principals must immediately report to law enforcement official when an act has occurred on school property or at a school-sponsored function that involves:

- (a.) assault resulting in serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon;
- (b.) possession of a controlled substance in violation of the law; or
- (c.) Damage to school property.

### **Criminal Violations:**

Students are accountable to their school in their role as students as well as to the law in their capacity as citizens. These are acts which result in violence to another's person or property or which pose a direct threat to the safety of others in the school.

Criminal violations would include, but not be limited to, the following examples:

- (1) Extortion
- (2) Bomb Threat
- (3) Possession/use/transfer of dangerous weapons
- (4) Assault/battery
- (5) Vandalism
- (6) Theft/possession/sale of stolen property
- (7) Arson

(8) Furnishing/selling/ possession of unauthorized substances

- When this type of violation occurs the principal, assistant principal, designated teacher in charge, or head teacher shall verify the offense, confer with the staff involved and meet with the student.
- The student will then be immediately removed from the school environment and the parents are notified.
- The school officials involved will then contact law enforcement agency and cooperate in prosecuting the offender.
- A complete and accurate report is submitted to the superintendent for board action by the school officials involved.

**Use of Alcohol, Drugs and Other Controlled Substances:**

*Drugs and Alcohol:*

No pupil shall possess, use, be under the influence of, sell, or transfer any of the following on or about school property, at any location of a school-sponsored activity, or in route to or from school or a school-sponsored activity:

- (1.) Alcoholic beverages;
- (2.) Controlled drug substances and drug paraphernalia;
- (3.) Substances that “look like” a controlled substance. In instances involving look-alike substances, there must be evidence of the student’s intent to pass off the item as controlled substance.

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

*Drugs Defined:*

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Department of Health Services under regulations pursuant to KRS 218A.020.

*Authorized Medication:*

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy.

*Penalty:*

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams and/or the school-sponsored activities. In addition, when they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a controlled substance on school property in violation of the law.

*Reporting:*

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

*Drug Testing:*

Drug testing is implemented according to the Cumberland County Board of Education Policy 09.423.

**Harassment/Discrimination:**

*Definition:*

Harassment/Discrimination is intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.

*Prohibition:*

Harassment/Discrimination due to an individual’s race, color, national origin, age religion, marital status, political beliefs, sex or disability is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students.

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

*Disciplinary Action:*

Students who engage in harassment/discrimination of an employee or another student on the basis of race, color, national origin, age, religion, marital status, political beliefs, sex or disability shall be subject to disciplinary action, including but not limited to suspension and expulsion.

*Reporting:*

Students who believe they have been a victim of an act of harassment/discrimination or who have observed other students being victimized shall, as soon as reasonably practicable, inform their teacher, guidance counselor or Principal of the incident. The Superintendent shall develop procedures for enforcing the reporting.

**Bullying/Hazing:**

Hazing, bullying, menacing or abuse of students or staff members will not be tolerated. Any student or employee, who engages in an act that, injures, degrades or disgraces another student or staff member shall be subject to appropriate disciplinary action.

The Cumberland County Board of Education takes all reports of bullying/harassment/retaliation seriously. If a student feels he/she is the victim of bullying/harassment/retaliation he/she should report the incident to school staff. The school staff member shall refer to the Cumberland County Board of Education Policy 09.42811 and 09.422, to determine appropriate steps for further action.

*School Personnel:*

At the beginning of each school year Cumberland County School District personnel will disseminate and discuss forms 09.422 and 09.42811 with all school staff. Anyone acting upon reasonable cause in making a report in good faith shall have immunity from any liability, civil or criminal.

Any person who retaliates against any student or staff member reporting or investigating a complaint of bullying/harassing is subject to discipline as found in the Disciplinary Response Chart on page 8.

**Assault:**

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

*School Personnel:*

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

*Removal of Students:*

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

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

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

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

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

*Report to Law Enforcement Agency:*

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

*Notification:*

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of weapons violation and/or physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee, guidance counselor or other school official who has knowledge of the student's behavior prior to the assignment or contact.

**Weapons:**

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

*Weapons Prohibited:*

Carrying, bringing, using, or possessing any weapon or dangerous instrument or a look alike in any school building, on school grounds, in any school vehicle or at any school-sponsored activity is prohibited. Except for authorized law enforcement officials, the Board specifically prohibits the carrying of concealed weapons on school property.

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

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

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

### **Conduct on Bus:**

#### *Principal Responsible:*

The Principal shall oversee the department of students who ride on the school bus and who walk to and from the school.

#### *Reporting of violations:*

The bus drivers shall promptly report any violation of District policy or school rule to the Principal.

#### *Discharge of Pupils from Bus for Regular Transportation Routes to and from school:*

Drivers are in charge of their buses, and their first responsibility shall be to the safe transportation of their passengers. In the event that one or more pupils are behaving in a threatening or violent manner or in such a way as to endanger the safety of other pupils on the bus, the driver is authorized to order the offending pupils from the bus. In the event a pupil is discharged for disciplinary reasons, the driver shall make every effort to do so near a house or open business establishment. At the first reasonable opportunity, the driver shall notify the Principal of the school where the pupil attends or the Superintendent and the student's parent or legal guardian.

#### *Transportation of Students to and from School Sponsored Events (ex. Athletic events, field trips, band trips, etc.)*

On school sponsored trips there will be a certified person on each trip. The certified person will be in charge of the students and their conduct.

#### *Withholding of Riding Privileges:*

The Principal is authorized to withhold bus-riding privileges up to a maximum of ten (10) school days per occurrence in the case of habitual or serious conduct violations. The Principal shall notify the parents in cases where bus-riding privileges have been withheld.

#### *Restitution of Damages:*

The parents or guardians may be held responsible for restitution of any damages, beyond normal usage, inflicted by their child.

#### *Students with Disabilities:*

Students with disabilities who exhibit inappropriate conduct shall be managed in accordance with their Individual Education Plan (IEP) and the legal obligations and standards adopted by the Board.

### **Supervision and Discipline of Pupils Essential to the Safe Operation of School Buses:**

The principal, or the person or persons designated by the Board of Education, shall be responsible for the organization and operation of a system of adequate supervision of the pupils as they unload from the school buses and load onto the school buses at the school. The principal, or the person or persons designated by the Board of Education, shall be responsible for the discipline of the pupils that ride the school buses to and from school and shall assist the school bus driver with discipline problems that arise on the bus when the school bus driver shall have made the proper report on the discipline problem either in person or in writing.

Should a pupil create a serious safety or discipline problem on the school bus or persist in creating discipline problems on the school bus after having been reported by the school bus driver to the principal or to the person(s) designated by the Board of Education and warned or disciplined, the principal or to the person(s) designated by the Board of Education shall forbid the pupil to ride the school bus until written permission for the pupil to again ride the school

bus has been given to the school bus driver by the person(s) or persons designated by the Board of Education to grant such permission.

**Pupils' Bus Riding Responsibilities: (*Riding a bus is a privilege not a right.*)**

Pupils shall wait at their assigned bus stop off the traveled roadway and shall remain there until the driver has stopped the bus and opened the entrance door, and signaled the pupils to enter the bus.

When pupils must cross the roadway to enter the bus, or cross the roadway when leaving the bus, they shall not cross the roadway until signaled to do so by the bus driver.

For safety reasons, when pupils are required to cross the roadway when entering the school bus or leaving the school bus, these roadway crossings shall be made in front of the bus. The pupils shall cross the roadway a distance of approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.

When pupils enter the bus, they shall proceed promptly to their assigned seats. Pupils shall remain seated until the bus has come to a complete stop before leaving their bus seats to get off the bus.

For safety reasons, pupils shall not extend their arms, legs, or heads out the bus windows while the bus is in motion.

Pupils shall not change from one seat to another while the bus is in motion unless given permission by the bus driver to do so.

Pupils shall not create noise on the bus to the extent that it might interfere with the driver's ability to hear the signals of emergency vehicles.

When transferring from one bus to another, pupils shall remain on their respective bus until given proper instructions by the bus driver to unload.

The following are prohibited activities at all times, but not limited to these examples:

- (a) Improper behavior to include: Insolence, disobedience, vulgarity, foul language, fighting, pushing, shoving and similar offensive acts.
- (b) Smoking on the bus.
- (c) Eating or drinking on the bus.
- (d) Throwing articles or objects in or from the bus.
- (e) Tampering with mechanical equipment, accessories or controls of the bus.
- (f) Obstructing the aisle in any manner.
- (g) Occupying more space in a seat than required.
- (h) Opening or closing the window without the permission of driver.

**Access to Electronic Media:**

**Acceptable Use Policy**

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

*Procedures and Guidelines:*

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address ethical use of electronic media (such as the Internet) and issues of privacy versus administrative review of electronic files and communications and shall prohibit utilization of networks for prohibited



or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

*Permission/Agreement:*

Cumberland County Schools recognize the importance of electronic media for educational purposes. Every student and staff member will have access to the school computer network, internet and email. Students and staff must agree to follow the District Acceptable Use Policy. The District Acceptable Use Policy may be viewed online at [www.cland.k12.ky.us/student\\_aup](http://www.cland.k12.ky.us/student_aup). Parents/Guardians who do not want their children to use internet or email must make a written request to the school to change their child's computer privileges.

*Responsibility for Damages:*

Individuals shall reimburse the Board for repair or replacement of the District property lost, stolen, damaged, or vandalized while under their care.

*Responding to Concerns:*

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

*Disregard of Rules:*

Individuals who violate District rules governing the use of District technology shall not be granted further use of the equipment, software, or information access systems.

### **Federal Food Program**

All Cumberland County Schools will be participating in the Community Eligibility Option (CEO) under the National School Lunch Program for the 2019/2020 school year. Under CEO all students receive a breakfast/lunch at no charge for the entire school year. However, to determine eligibility to receive additional benefits for your child(ren) you will need to complete a household and income form (HIF).

### **USE OF PHYSICAL RESTRAINT AND SECLUSION**

Use of physical restraint or seclusion by school personnel is subject to 704 KAR 7:160. However, nothing in this policy prohibits the exercise of law enforcement duties by sworn law enforcement officers.

#### **DEFINITIONS**

- *Physical Restraint* means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely.
- *Seclusion* means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving, but does not mean classroom timeouts, supervised school detentions, or out-of-school suspensions.

#### **PHYSICAL RESTRAINT**

*All School Personnel*

Use of physical restraint by all school personnel is permitted when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. In such situations, staff who have not had core team training may physically restrain students, but shall summon core trained school personnel as soon as possible.

In all situations involving use of physical restraint (including restraint by core trained personnel):

- The student shall be monitored for physical or psychological wellbeing for the duration of the restraint.
- Personnel shall use only the amount of force reasonably believed necessary to protect the student or others from imminent danger of physical harm.

*Core Trained Personnel*

School personnel who have undergone core team training may also use physical restraint after less restrictive behavioral interventions have been ineffective in stopping misbehavior as noted below:

1. In nonemergency circumstances when a student's behavior poses an imminent danger of physical harm to self or others;
2. As provided in KRS 503.050 (including when personnel believe physical restraint is necessary to protect themselves against the use or imminent use of unlawful physical force);

3. As provided in KRS 503.070 (including when personnel believe physical restraint is necessary to protect a third person against the use or imminent use of unlawful physical force);
4. To prevent property damage as provided in KRS Chapter 503 (including when personnel believe physical restraint is necessary to prevent intentional or wanton property destruction, theft, or a felony involving the use of force); and
5. As provided in KRS 503.110 (including when personnel believe physical restraint is necessary to maintain reasonable discipline in a school, class, or other group, and the force used is not designed to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress).

### **SECLUSION**

Seclusion may be implemented only if: the student's behavior poses an imminent danger of physical harm to self or others; less restrictive interventions have been ineffective in stopping the imminent danger of physical harm; the student is monitored visually for the duration of the seclusion; and staff are appropriately trained to use seclusion.

### **PARAMETERS**

The Board has established this policy and related procedures addressing use of physical restraint and seclusion that are designed to promote the safety of all students, school personnel, and visitors. As required by 704 KAR 7:160, school personnel and parents shall be made aware of how to access this policy and related procedures. Methods of notification may include, but are not limited to, publication in the local District code of acceptable behavior and discipline and District employee handbooks.

### **TRAINING**

Training of personnel on use of physical restraint and seclusion shall be provided as required by 704 KAR 7:160:

- All school personnel shall be trained annually to use an array of positive behavioral supports and interventions and as further required by 704 KAR 7:160.
- A core team of selected school personnel designated to respond to dangerous behavior and to implement physical restraint of students shall receive additional yearly training in the areas required by 704 KAR 7:160. (Exception: Core team members who are school resource officers or other sworn law enforcement officers are not required to undergo this training.)

### **REQUIRED PROCEDURES**

The Superintendent/designee shall develop procedures to be followed during and after each use of physical restraint or seclusion to include the following—

1. Documentation of the event in the student information system.
2. Notice to Parents
3. A process of the parent or emancipated youth to request a debriefing session.

### **NOTIFICATION REQUIREMENTS**

The principal of the school shall be notified as soon as possible when seclusion of physical restraint is used, but no later than the end of the school day on which it occurs.

Following each incident of physical restraint or seclusion of a student and if the student is not an emancipated youth, the parent of the student shall be notified of the incident either verbally or through electronic communication as soon as possible within twenty-four (24) hours of the incident. If the parent cannot be reached during that time frame, a written communication shall be mailed via US mail.

If death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty results from use of physical restraint or seclusion, the Superintendent/designee shall notify the Kentucky Department of Education and local law enforcement within twenty-four (24) hours.

### **DEBRIEFING SESSION**

If the parent or emancipated student requests a debriefing session following use or parental notification of the use of physical restraint or seclusion, individuals who are to participate shall be those specified by state regulation. A requested debriefing session shall occur as soon as practicable, but no later than five (5) school days following receipt of the request from the parent or emancipated youth, unless a meeting is delayed by written mutual

agreement of the parent/emancipated student and the school.

The debriefing session shall address elements specified by state regulation, and all documentation used during the session shall become part of the student's education record.

### **PARENT COMPLAINTS**

Parents may submit a complaint regarding the physical restraint or seclusion of their child using the Board's grievance policy and procedures. On receipt of a complaint, the District and school shall investigate the circumstances surrounding the physical restraint or seclusion, make written findings and, where appropriate, take corrective action.

The Superintendent/designee shall review and respond to any statement received from a student's licensed physician that the student is not to be subjected to physical restraint.

### **DOCUMENTATION**

All incidents involving physical restraint or seclusion shall be documented by a written record of each use by the end of the next school day, and the documentation shall be maintained in the student's education record. In addition, each entry shall be informed by an interview with the student and include information required by 704 KAR 7:160.

Specified data related to incidents of physical restraint or seclusion shall be reported in the state student information system.

At the end of each school year, the Superintendent/designee shall review data on District use of physical restraint or seclusion to identify any recommendations to be made to the Board for policy and procedure revisions.

**CODE OF ACCEPTABLE BEHAVIOR & DISCIPLINE FOR STUDENTS**

I have received a copy of the Cumberland County Schools' Code of Acceptable Behavior and Discipline for students and understand the policies contained therein. As student and parent, we agree to abide by the policies contained within this Code of Acceptable Behavior and Discipline for students.

Student's Name \_\_\_\_\_ Student's School \_\_\_\_\_ Grade \_\_\_\_\_

\_\_\_\_\_  
**Student's Signature**      **Date**      \_\_\_\_\_  
**Parent's Signature**      **Date**

**I have read the memo explaining the compulsory attendance law for the 2020-2021 school year.**

\_\_\_\_\_  
**Student Name (Print)**      **Grade**

\_\_\_\_\_  
**Student Signature**      **Date**      \_\_\_\_\_  
**Parent Signature**      **Date**