

Clay County Public Schools
Student Code of Acceptable
Behavior
2022-2023

**“Education is teaching our
children to desire the right
things.” – Plato**

**Preparing All Students for
Success**

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Robin Combs
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Leewood Cornett

William Sexton, Superintendent

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Burning Springs Elementary	606-598-3138	Kendra Hooker	Kristy Smith
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Clay County Middle School	606-598-1810	Steve Burchfield	Caitlyn Gregory
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Hacker Elementary	606-598-3338	Mike Stubblefield	Katie Cornett
Manchester Elementary	606-598-3444	Dwight Harris	Katie Cornett
Oneida Elementary	606-847-4212	Thomas Hyden	Eddie Warren
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District Wide Staff

Director of Pupil Personnel	Jeff Woods
Instructional Supervisors	Renee Smith Jamie Mills
Director of Special Education	Alene Stivers
District Coaches	Jennifer Crockett Kristi Woods Melissa Robinson Dwight Harris
Director of Finance	Kristi Curry
School Food Supervisor	Melinda Nicholson
District Health Coordinator	Amy Janutolo
District Child Advocate/Social Worker	Kelly Hooker Kayla Holt
Transportation	Paul Hughes

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CHAPTER 1: INTRODUCTION

The Clay County Discipline and Attendance Code Task Force has worked together to formulate a uniform **Student Code of Acceptable Behavior & Discipline**, which will apply to all students in all our schools. The original Discipline Code was developed by a committee of teachers, principals, supervisors, students and parents, and was approved by the Clay County Board of Education, March 7, 1983. As a result of new state regulations, the 1984 Review Committee found it was necessary to make revisions. The decision to develop an attendance code was also made. The committee was expanded to become a task force, which developed the **Student Code of Acceptable Behavior, & Discipline** contained in this handbook.

The **Student Code of Acceptable Behavior & Discipline** was revised and approved by the Clay County Board of Education in June 2013. It will be implemented during the 2013-2014 school year and revised on an annual basis.

No pupil shall be discriminated against because of age, color, disability, race, national origin, religion, sex, or veteran status in the administration of the **Student Code of Acceptable Behavior & Discipline**.

1.1 RATIONALE

Each student is an individual with specific needs and characteristics. It is the school's responsibility to meet those needs and help each child reach his/her potential. However, in order to serve the students, it is necessary for the school to provide a complete understanding of the specific rights and responsibilities of each student, their parents and all others involved in the education process.

1.2 PHILOSOPHY

The Clay County Public School System is dedicated to providing a complete education for all students through the establishment of a school environment, which encourages active participation and continuous learning.

Each citizen has rights and responsibilities. A school system must instill in its students an understanding and respect for those individual rights. When responsibilities are not accepted and rights are abused, there develops a need for a means of preventing such infractions so that an orderly learning environment may be maintained.

The desire of this school system is to establish a **Student Code of Acceptable Behavior & Discipline** which will lead to growth, in the acceptance of responsibilities and in the creation of a cooperative community so that students may be offered the ultimate learning experience. This is necessary for and is conducive to a good learning environment.

Erratic attendance disrupts the continuity of classroom learning; therefore, the Clay County Board of Education will make every effort possible to insure that public school attendance laws are enforced. In addition, the Clay County Board of Education will stress to its employees the importance of encouraging those students under their supervision to attend school on a regular basis.

1.3 OVERVIEW

The primary factor affecting student educational achievement in any school is the school's learning environment. Therefore, the Clay County Board of Education has developed discipline and attendance codes described in this booklet so that students enrolled in the Clay County Public School System may be more fully assured of a proper and a wholesome learning environment.

The codes, hereafter referred to as the **Student Code of Acceptable Behavior & Discipline**, were developed so that consistency and fairness will prevail when solutions to problems are sought. No student will be discriminated against because of age, color, disability, race, national origin, religion, sex, or veteran status. In order to diminish the possibility of any prejudice, and to develop a comprehensive set of rules, the Board called upon all segments of the Clay County community, including parents, administrators, teachers, and students for assistance in developing the **Student Code of Acceptable Behavior & Discipline**.

The Student Code of Acceptable Behavior & Discipline defines for the student and his/her parents/guardians those actions, which the Board construes as acts of misconduct and, also, clearly indicates that irregular attendance and truancy will not be tolerated. Penalties for these infractions are listed.

All certified personnel employed by the Clay County Public Schools are charged with the responsibility of understanding and upholding all provisions of the **Code of Acceptable Behavior & Discipline**; however, certified employees are limited, as described herein, in the actions they may take.

Students will be held responsible for their conduct on school premises, on the way to and from school, and on school-sponsored trips and activities. The **Student Code of Acceptable Behavior & Discipline**, which will be implemented in the school year 2013-2014, will be in effect and revised periodically thereafter until further revisions may become necessary or appropriate.

The Board has provided, for those students who believe their enforced penalties to be unfair, an appropriate appeals procedure so that actions taken may be as mutually acceptable as possible.

The Board shall periodically study and update the **Student Code of Acceptable Behavior & Discipline**. Suggestions from all segments of the community will always be given consideration. This code is part of the Board's policy on student behavior and

discipline. After this code is distributed for the school year, changes to Board policy, including those affecting provisions of this code may be necessary due to new/revised statutes and regulations and case law.

1.4 ORIENTATION & REVIEW

Students At the beginning of each school year orientation activities will be provided for the students to acquaint them with the **Clay County Student Code of Acceptable Behavior & Discipline**. Classroom teachers may present orientation activities or other certified personnel and will follow a planned outline to insure proper dissemination to all students. A copy of the **Clay County Student Code of Acceptable Behavior & Discipline** will be made available to students and their parents or guardians. Students entering school after completion of the orientation activities will receive orientation from the principal or designee. A copy of the **Clay County Student Code of Acceptable Behavior & Discipline** will be made available to the student and his/her family. It will also be available for review in each public school and the Clay County Board of Education office and on the Clay County Public Schools web page (www.clay.k12.ky.us).

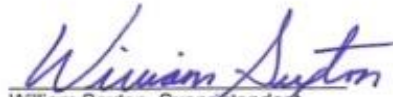
Teachers Every teacher will be trained in methods of conducting student orientation to the **Student Code of Acceptable Behavior & Discipline**. This training will be done prior to the opening of school.

1.5 ASSURANCE OF LEGAL COUNSEL

This is to certify that Sharon Allen Gay, legal counsel for Clay County Board of Education, has reviewed the **Student Code of Acceptable Behavior & Discipline** for the Clay County Public Schools.



Sharon K. Allen
School Board Attorney
State of Kentucky
County of Clay



William Sexton, Superintendent
Clay County Public Schools

Subscribed and sworn to before me by William Sexton and Sharon K. Allen at Manchester, Kentucky, this 25 day of July, 2022.



Notary Public, State of KY at Large

My Commission expires August 12, 2025

CHAPTER 2: RIGHTS AND RESPONSIBILITIES

The protection and safeguards of the Bill of Rights of the Constitution of the United States apply to all people. To claim one's rights, one must be willing to accept the inherent responsibilities. In a social situation such as the public schools all participants, students, parents/guardians, teachers, administrators and others in the educational process have rights and responsibilities. To create an effective school system, all those involved must understand the basic standards of conduct and behavior expected of them. A professionally planned and positive school atmosphere is necessary for academic progress and a safe environment. Therefore, students shall not interfere with the orderly environment of the school or school activity.

2.1 STUDENTS

Students have the right:

1. To a system of public education which meets the needs of the individual students by providing a free and appropriate public education.
2. To a reasonable and timely notice of all rules, regulations, policies, and penalties to which they may be subject.
3. To "due process" in regard to disciplinary action, including the right to hear charges, state his/her side, and to appeal decisions honestly believed unjust from teacher to principal to Superintendent to the Board of Education according to established procedures.
4. To protection of person and property to the fullest extent possible by the school.
5. To freedom of speech/expression and to participate in the decision-making procedures.
6. To free election of their peers in student organizations in which students have the right to seek and hold office and to the involvement in school activities without being subject to discrimination.
7. To consult with teachers, counselors, administrators, and other school personnel and to suggest rules or changes in rules.
8. To receive academic grades based only upon academic performance.
9. To the respect of other students and school personnel.
10. To access his/her records and to be guaranteed of the confidentiality of those records.
11. To have the right to be free of abuse and the threat of abuse by school personnel.

Students have the responsibility:

1. To show respect for the education process by taking advantage of every opportunity to further his/her education.
2. To adhere to any and all rules and regulations established by the Board of Education and/or the school administration.

3. To exercise courtesy and reason at all times, to accept just punishment, to avoid unreasonable appeals and to refrain from making false accusations for petty or vicious reasons.
4. To be accountable for his/her own conduct and for showing consideration for the rights and property of others, including caring for equipment and physical facilities of the school and displaying good behavior on the school buses.
5. To refrain from behavior that would infringe upon the rights of others or disrupts the learning environment.
6. To make the best contribution possible with individual abilities to support the school in all program or activity.
7. To make suggestions in a positive, reasonable manner, taking into careful consideration the welfare of all, not just that one or a few individuals.
8. To show respect for the educational process and learning environment by regular attendance and punctuality and to ask for make-up work and to return it in the specified time.
9. To display neatness, cleanliness, and appropriateness of personal dress and hygiene. A special committee will determine the appropriateness of personal dress and hygiene.
10. To follow established procedures in requesting release of personal records to persons not legally entitled to such records without proper consent.
11. To practice self-control at all times.
12. **To immediately report threats to harm others to a teacher, counselor, or school administrator.**

2.2 PARENTS/GUARDIANS

Parents/Guardians have the right:

1. To send their child to a school with a proper learning environment.
2. To expect that classroom disruptions will be dealt with fairly, firmly, and quickly.
3. To enroll students in the Clay County Public School District where they shall attend classes regularly and promptly with minimal interruptions.
4. To expect the school to maintain high academic standards.
5. To review the student's academic progress and other pertinent information that may be contained in the student's personal records.
6. To address any questions concerning their child to the proper authority and to receive a reply in a reasonable time period.
7. To have knowledge of the rules and regulations of the school.
8. To request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of their child.
9. To request mediation or an impartial hearing related to decisions or actions regarding your child's identification, evaluation, and educational program or placement in accordance with the policies of the Clay County Board of Education. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to the Office of the Superintendent, Clay Public Schools.

Parents/Guardians have the responsibility:

1. To instill in their children the value of an education.
2. To instill in their children a sense of responsibility and respect.
3. To understand that unnecessary interruptions in the school are detrimental to the educational program for all students.
4. To be familiar with the educational program and the rules and regulations of the school.
5. To inform children about proper school conduct and the disciplinary procedures of the school.
6. To see that children attend school regularly and promptly.
7. To consult with the proper school officials regarding the facts of any situation about which they may have questions.
8. To support the efforts of the school and its rules and regulations.
9. To demonstrate respect for teachers, administrators and school personnel at school and all school related activities.
10. To see that students display neatness, cleanliness, and appropriateness in their personal attire and hygiene. A special committee will determine the appropriateness of personal attire and hygiene.
11. **To immediately report threats to harm others to a teacher, counselor, or school administrator.**

2.3 TEACHERS

Teachers have the right:

1. To have the support of co-workers, administrators, and parents.
2. To work in an educational environment with a minimum of disruptions.
3. To expect all assignments, including homework, to be completed and turned in as assigned.
4. To remove from class any student whose behavior significantly disrupts a positive learning environment (according to the discipline procedures outlined in this handbook). During this time the student will be in an isolated place involved in activities directed by certified school personnel.
5. To be free 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. To take action, necessary in emergencies, to protect their own person or property or the persons or property of those in their care.

Teachers have the responsibility:

1. To present subject matter and experiences to students and to inform students and parents/guardians of achievement and/or problems.
2. To aid in planning a flexible curriculum which meets the needs of all students and which maintains high standards of academic achievement.
3. To assist in the administration of such discipline as is necessary to maintain order throughout the school without discrimination on any basis.
4. To evaluate students' assignments and return them as soon as possible.
5. To inform students and parents/guardians of educational achievement and progress.

6. To exhibit exemplary behavior in action and speech.
7. To display neatness, cleanliness and professionalism in personal dress and hygiene so as to maintain a respectable atmosphere.
8. To reward students for exemplary behavior or work.
9. To portray and maintain an atmosphere conducive to good behavior and an attitude of respect for students.
10. To recommend for retention and/or academic intervention any student who fails to meet the basic class standards.
11. To maintain necessary records of student progress and attendance as accurately as possible.
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.
14. To be informed of current educational improvements and issues.
- 15. To immediately report threats to harm others to a teacher, counselor or school administrator.**

2.4 PRINCIPALS

Principals have the right:

1. To the support of teachers, parents, and students in carrying out the educational programs and policies established by the school system.
2. To provide input into the establishment of procedures and regulations relating to the school.
3. To be free from physical harm and verbal abuse.
4. To take necessary action in case of emergencies to protect their own person or property, and/or the persons or property of those in their care.
5. To suspend any student whose conduct disrupts the educational process (according to the disciplinary procedures outlined in this Codebook).
6. To require teachers to attend professional meetings and share in supervisory duties of co-curricular activities after the regular school day is over.

Principals have the responsibility:

1. To manage the school environment in such a manner as to insure the existence of the proper learning atmosphere.
2. To create and foster an atmosphere of mutual respect and consideration among students and staff.
3. To administer discipline fairly and equally, following the district and school guidelines, but in doing so will use his/her best judgment.
4. To exhibit exemplary behavior in action, dress and speech.
5. To implement and evaluate all aspects of the educational program to improve learning and comply with the policies, regulations, and procedures, or laws of the district, state and nation.
6. To be actively involved in the planning and arrangement of all co-curricular activities.
7. To attempt to instill in teachers and students pride in their school.
8. To plan, with the teachers, duty rosters for extra duties involving co-curricular activities.

9. To request input from the students and teachers involving school activities.
10. To check all school records, reports and student folders. These are to be completed by the teachers at the end of the school year.
11. To be adequately informed of all policies, laws, regulations and issues concerning public schools.
12. To be involved in activities, that will aid in the development of administrative and leadership skills.
- 13. To immediately address any threats to harm others reported by students, parents, teachers, or others.**

2.5 NONCUSTODIAL PARENT RIGHTS

For FERPA purposes, parents are natural parents whose parental rights have not been terminated. The fact that a parent does not have legal custody of a student does not affect the noncustodial parent's rights to review and have copies of education records. Any natural parent has the legal right to see, and have copies of, a student's education records unless his/her parental rights have been terminated by a court order or by operation of state law.

When a change in custody occurs, it is important that a copy of the court order is on file at the principal's office. It is important for school personnel to have access to this information in order to comply with parent requests.

2.6 HOMELESS STUDENTS, UNACCOMPANED YOUTH, FOSTER CHILDREN

Students who are homeless, unaccompanied, and/or foster children have the right to be provided services comparable to those received by other students. The services include transportation services and education programs for which students meet eligibility criteria. These school services may include those provided under Title I or similar state or local programs; programs for students with disabilities; programs for students with limited English proficiency; vocational or technical programs; gifted and talented programs; school nutrition; preschool programs; referrals to health, mental health, dental; and transportation. Consult Clay County Board of education policy #09.12 for specifics.

CHAPTER 3: BOARD POLICIES

3.1 ANTI-ALCOHOLIC BEVERAGES AND ANTI-DRUG POLICIES

CLAY COUNTY BOARD POLICY NUMBER 09.423

It is the policy of the Clay County Board of Education to:

1. Provide alcohol abuse and drug abuse programs in every school.
2. Prohibit the use or sale of alcoholic beverages and drugs on school property.

Disciplinary actions will be taken by the school principal if such instances should occur.

*Legal Reference: **KRS 158.405; KRS 158.430***

3.2 BULLYING/HAZING

CLAY COUNTY BOARD POLICY NUMBER 09.422

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

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior. This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered. These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others. Students who violate this policy shall be subject to appropriate disciplinary action.

In 2016 General Assembly, KRS 158.148 was amended to read as follows: (1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated: 1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or 2. That disrupts the education process. (b) This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process

Students that believe they are victims of bullying/hazing can report such incidents to any school or district staff. When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.

*Legal References: **KRS 158.150; KRS 158.148; KRS 158.156; KRS 160.290; Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986), Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)***

3.3 DISCIPLINE AND CONDUCT OF PUPILS

CLAY COUNTY BOARD POLICY NUMBER **09.426 and 09.42**

The Clay County Board of Education believes that pupils have the right to a relevant education without disruption and a corresponding responsibility to conduct themselves in such a manner that the rights of others are not abused.

Legal Reference: KRS 158.295; KRS 158.990; KRS 161.180; KRS 160.340

3.4 DISPENSING MEDICATION

CLAY COUNTY BOARD POLICY NUMBER **09.2241**

Medication Registered- All medication shall be registered in the Principal's office immediately upon arrival at school each day (this includes all prescription and over-the-counter medication). Except for medication sent to school by parents, internal medicine, including aspirin, shall not be kept at school for the purpose of administering to pupils. Antiseptic and appropriate other emergency medications shall be maintained in the first-aid kit.

Storage of Medication- Medication prescribed by a doctor or dentist must be stored in a secure, locked, clean container or cabinet accessible only to the Principal, school personnel assigned by the Principal, or health personnel.

Administering Medication- School personnel shall call the student to the designated medication area or the student will report to the designated medication area at the time the medication is to be administered. School personnel or health personnel shall supervise students when taking medication. **A signed physician's statement must be on file in the Principal's Office for medication to be administered at school.**

Original Container - The medication shall be sent to school in its sealed original container with the prescription label attached. The label shall include the physician's directions for dispensing the medication in compliance with KRS 218A.210. The parent must send only the required dosage to be taken at school, not to exceed twenty (20) day's quantity.

Non-Prescription Medication - Non-Prescription medications will be considered the same as prescription and will only be given under the order of a doctor or dentist and all proper forms will be completed and signed by the proper authorities.

EMERGENCY MEDICATIONS - Emergency medications (e.g. allergies to insect stings, etc.) must be administered as per written protocol.

Self-Administration - Under procedures developed by the Superintendent, a student may be permitted to carry medication that has been prescribed or ordered by a physician to stay on or with the pupil due to pressing medical need (e.g. asthma inhaler). Provided the parent/guardian and physician file a written statement/authorization each year as required by law, a student under treatment for asthma shall be permitted to self-administer medication.²

DOCUMENTATION OF ADMINISTRATION - All medication given shall be documented on the school's medication log. The Principal or school nurse will monitor the log periodically to identify students too frequently or inappropriately using medication. The Principal shall be responsible for the log.

SHARING PROHIBITED - Students shall not share any prescription or over-the-counter medication with another student. Each year, the District shall notify students of this prohibition and that violation shall result in appropriate disciplinary action, including but not limited to suspension or expulsion. **LEGAL REFERENCE: ¹OAG 73-768, ²NEW SECTION OF KRS 158, OAG 77-530, OAG 83-115**

3.5 DISCIPLINE OF SPECIAL EDUCATION STUDENTS

CLAY COUNTY BOARD POLICY NUMBER **09.43**

It is the policy of the Clay County Board of Education to guarantee exceptional education students or students who have been referred for evaluation for placement and/or related services the rights given them by the reauthorization of the Individuals with Disabilities Education Act of 1997 (IDEA) Public Law 101-476. *Legal Reference: **KRS 158.150; OAG 79.168; OAG 64.329***

3.6 EMPLOYEE REPORTS OF CRIMINAL ACTIVITY

CLAY COUNTY BOARD OF EDUCATION POLICY NUMBER **09.2211**

Kentucky Revised Statutes (KRS) 158.154 requires that when the Principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the Principal shall immediately report the act to the appropriate local law enforcement agency. "School property" is defined as any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the Principal.

KRS 158.156 requires that any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the Principal of the school attended by the victim. The Principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The Principal shall file a written report with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

LEGAL REFERENCES: *NEW SECTION OF KRS CHAPTER 158; KRS 158.154; KRS 158.155; KRS 525.070; KRS 525.080; KRS 527.070; KRS 527.080; KRS 620.030*

KRS 158.156 also requires that an administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if the person knows or has reasonable cause to believe that conduct has occurred which constitutes:

A misdemeanor or violation offense under the laws of this Commonwealth and relates to:

Carrying, possession, or use of a deadly weapon; or

Use, possession, or sale of controlled substances; or

Any felony offense under the laws of this Commonwealth; and

The conduct occurred 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.

KRS 620.030 requires that any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

3.7 ENROLLING EXPELLED STUDENTS

CLAY COUNTY BOARD OF EDUCATION POLICY NUMBER **09.12**

It is the policy of the Clay County Board of Education that a student expelled from a school in another district can be refused enrollment in the Clay County School System. This decision must be made on a case-by-case basis.

3.8 HARASSMENT/DISCRIMINATION

CLAY COUNTY BOARD OF EDUCATION POLICY NUMBER **03.113, 03.212, 09.13, and 09.428111 and Procedure 09.428111 AP.11**

It is the policy of the Clay County Board of Education to ensure that all students and staff are not denied equal educational or work opportunities and do not suffer harassment. No discrimination is allowed on the basis of race, color, age, sex, religion, creed, national origin, economic status, marital or parental status, political affiliation, or disability.

Prohibited Conduct:

1. Name calling, stories, jokes, pictures, or objects that are offensive to one's gender, race, national origin, religion, or disability;
2. Impeding the progress of a student by questioning the student's ability to do the required work based on the gender, race, color, religion, national origin, or disability of the student;
3. Limiting student or staff access to educational tools, such as computers, based on the gender, race, color, religion, national origin, or disability of the student;
4. Teasing of a staff member or student's subject or assignment based on the gender, race, color, religion, national origin, or disability of the student or staff member.

When a student, parent, or a staff member believes they have been harassed or discriminated against a complaint may be filed with the Principal or School Safety

Coordinator (SSC).

The procedures are as follows:

1. The student, parent, or staff members makes a complaint (written or verbal) to the Principal of the school or the SSC, advising of the nature of the alleged incident, the time and place the alleged incident occurred and the identity of any witnesses to the alleged incident.
2. The Principal or SSC shall promptly investigate the allegation.
3. Within seven (7) working Days the submission of the original complaint, the Principal shall make a written report to the SSC and Superintendent setting out the findings and recommending any action deemed necessary to curtail any confirmed harassment or discriminatory activity.
4. After the SSC and/or Superintendent has conducted any further investigation deemed necessary to confirm the occurrence of any alleged harassment/discrimination, the Superintendent shall take action within five (5) working days to correct the conditions which caused the harassment or discrimination and to prevent reoccurrence.
5. The complaint, investigation, and findings shall be confidential.
6. Grievance procedures as seen in Clay County Board Policy Number 600.20 shall be followed if necessary.

Legal Reference: KRS 161.164; KRS 157.200; KRS 157.226; KRS 157.230; KRS 157.350; KRS 158.183; KRS 160.295; U.S.C.A. 794; KRS 207.135; 34 C.F.R.104.3-104.14; American with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972

3.9 SEXUAL HARASSMENT

CLAY COUNTY BOARD OF EDUCATION POLICY NUMBER **09.42811, 03.162, 03.262**

It is the policy of the Clay County School District to provide an educational and work environment free of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment as defined and other wise prohibited by state and federal statues such as Title VII and Title IX.

Sexual harassment by board members, administrators, certified and classified personnel, students, vendors, and any others having business or other contact with the School District is prohibited. Persons found in violation of this policy will be subject to discipline, including, but not to reprimand, probation, demotion, suspension, expulsion, or termination, or other sanction as determined appropriate.

Sexual harassment, as defined above, may include the following unwanted and unwelcome behavior or language:

- *Verbal harassment or abuse such as inappropriate and unwanted comments about a person's body;
- *Sexual name-calling, sexual jokes and spreading sexual rumors;
- *Howling catcalls and whistles;
- *Pressure for sexual activity;
- *Repeated remarks to a person, with sexual or demeaning gender implications;
- *Unwelcome touching, grabbing, cornering, blocking;

- *Sexual assault and rape;
- *Impeding the progress of a student by questioning the student's ability to do the required work or project based upon the student's gender, or
- *Subjecting a student to derogatory remarks or teasing about a class or subject choice or
- *Assignment based upon the gender of the student.

These and other behaviors may constitute sexual harassment and are unacceptable conduct that will not be tolerated or condoned. All reports of harassment are kept confidential. Reports can be made to any faculty member, principal or to Renee Smith at 598-2168, or renee.smith@clay.kyschools.us

No one shall retaliate against any person because they have filed a complaint, or participate in an investigation, proceeding, or hearing regarding a charge of harassment of an individual.

Legal Reference: 42 USC 2000e, Civil Rights Act of 1964, Title VII; 29 C.F.R. 1604.11; 20 U.S.C. 1681, Education Amendments of 1972, Title IX, 34 C.F.R. 106.1-106.71; KRS 161.164

3.9A Title IX Sexual Harassment

Notice to Individuals Regarding Title IX Sexual Harassment/Discrimination

The District's Title IX Coordinator (TIXC) is:

RENEE SMITH
128 Richmond Road
Manchester, Kentucky 40962
renee.smith@clay.kyschools.us
(606) 598-2168

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the TIXC, or by any other means that results in the TIXC receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the TIXC.

References:

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106

Related Policies:

03.113; 03.1621; 03.212; 03.2621; 09.313; 09.428111

Related Procedures:

03.1621; 03.2621; (all procedures)
09.428111 (all procedures)

PERSONNEL 03.113

- CERTIFIED PERSONNEL -

Equal Employment Opportunity

NONDISCRIMINATION

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for Civil Rights, or both.¹

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions.²

INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.³

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

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

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. Medical information obtained as part of an employee request shall be confidential.⁴

If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

The District shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee's limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

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

(Continued)

Equal Employment Opportunity

REFERENCES:

¹34 C.F.R. § 106.8

²[KRS 161.164](#); KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII

³29 U.S.C.A. 794

⁴29 U.S.C. section 1630.14

[KRS 207.135](#)

34 C.F.R. 104.3 - 104.14

42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.133; 03.1621; 03.212; 03.2621; 05.11

Adopted/Amended: 8/18/2020

Order #: 3C

- CLASSIFIED PERSONNEL -

Equal Employment Opportunity

NONDISCRIMINATION

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for Civil Rights, or both.¹

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions.²

INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.³

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

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REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion. Medical information obtained as part of an employee request shall be confidential.⁴

The District shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee's limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

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

Equal Employment Opportunity

REFERENCES:

¹34 C.F.R. § 106.8

²[KRS 161.164](#); KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII

³29 U.S.C.A. 794

⁴29 U.S.C. section 1630.14

[KRS 207.135](#)

34 C.F.R. 104.3 - 104.14

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

RELATED POLICIES:

03.113; 03.1621; 03.233; 03.2621; 05.11

Adopted/Amended: 8/18/2020

Order #: 3C

STUDENTS

09.13

Equal Educational Opportunities

DISCRIMINATION PROHIBITED

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for Civil Rights, or both.¹

No pupil shall be discriminated against because of age, color, disability², race, national origin, religion, sex, or veteran status.

STUDENTS WITH DISABILITIES

The District shall provide a free, appropriate public education to each qualified student with a disability, as defined by law, within its jurisdiction.

The District shall operate its programs in accordance with the procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

Parents of students who have a temporary or permanent disability may request the District supervisor to provide appropriate accommodations necessary for them to participate in instructional and extracurricular activities, as required by law. Students who are at least eighteen (18) years of age may submit their own requests.

STUDENT RELIGIOUS ACTIVITIES OR POLITICAL EXPRESSION

The District shall observe the rights of students to voluntarily engage in religious activities. Students may express religious or political viewpoints while at school to the same extent and under the same circumstances as other permitted activities or expression. Consistent with the Constitutions of the United States and the Commonwealth of Kentucky and law, students shall be permitted to engage in these activities and express these viewpoints, provided they do not:

1. Infringe on the rights of the school to:
 - a. Maintain order and discipline;
 - b. Prevent disruption of the educational process; and
 - c. Determine education curriculum;
2. Harass other persons or coerce other persons to participate in the activity; or
3. Otherwise infringe on the rights of other persons.

Student complaints concerning possible violations of their religious rights shall be addressed in keeping with legal requirements. Their complaints shall be directed to the Principal, who shall investigate and take appropriate action within thirty (30) days of receipt of the written notification.

STUDENTS **09.13**
(Continued)

Equal Educational Opportunities

REFERENCES:

¹34 C.F.R. § 106.8

²Bd. of Educ., etc. v. Rowley 102 S.Ct. 3034 (1982)

District special education policy and procedures manual; District 504 procedures

[KRS 157.200](#); [KRS 157.224](#); [KRS 157.230](#); [KRS 157.350](#)

[KRS 158.183](#); [KRS 160.295](#); Age Discrimination Act of 1975

Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act

Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972

Vietnam Era Veterans Readjustment Assistance Act of 1974

Kentucky Education Technology System (KETS); 28 C.F.R. Section 35.101 et seq.

RELATED POLICIES:

03.113; 03.1621; 03.212; 03.2621; 05.11; 08.131; 09.3211; 09.428111

Order #: 3C

- CERTIFIED PERSONNEL –

Title IX Sexual Harassment

INTRODUCTION AND SCOPE

A United States Department of Education regulation published on May 19, 2020 defines sexual harassment for purposes of Title IX (sometimes referred to in policy and procedure as “Title IX Sexual Harassment”). In addition to numerous other matters, the regulation sets forth grievance procedure requirements that apply (including the initiation of a “formal complaint”) before there is a determination that an employee is responsible for Title IX Sexual Harassment. The applicable definition of sexual harassment describes serious sexual misconduct. If the alleged actions that are the subject of a formal complaint do not descend to the level of conduct described in the definition of Title IX Sexual Harassment; do not take place in a “program or activity” of the school District within the meaning of Title IX; or do not take place in the United States, the formal complaint must be dismissed.

Such a dismissal does not mean that the alleged offending party cannot be the subject of investigation or discipline on grounds other than “Title IX Sexual Harassment” as addressed in Board policy or law, including conduct allegedly constituting sexual harassment or other sexual misconduct that does fall within the definition of “Title IX Sexual Harassment.”¹

PROHIBITION

Title IX Sexual Harassment in educational programs or activities of the District is prohibited.

GRIEVANCE PROCEDURE

The District shall provide a Title IX Sexual Harassment grievance procedure that treats complainants and respondents equitably as required by Federal Regulation.²

DEFINITIONS

TITLE IX SEXUAL HARASSMENT

“Title IX Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity;

Title IX Sexual Harassment

DEFINITIONS (CONTINUED)

TITLE IX SEXUAL HARASSMENT (CONTINUED)

- 3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). For purposes of this definition, “sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.³

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Consent

“Consent” means a voluntary expression of willingness, permission, or agreement to engage in sexual activity throughout a sexual encounter. Consent cannot be granted by an individual: who is less than the statutory age of consent under Kentucky criminal law, has a mental or physical condition or incapacity that prevents the giving of consent; or from whom ostensible “consent” is extracted through threat, coercion, or forcible compulsion.

Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a complainant who is participating or attempting to participate in the District’s educational programs or activities may file a formal complaint.

Respondent

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a person in his or her individual capacity is subject to a Title IX investigation.

Title IX Sexual Harassment

DEFINITIONS (CONTINUED)

Title IX Coordinator (TIXC)

The TIXC is the individual or individuals designated and authorized to coordinate District Title IX programs. The TIXC is expected to engage in activities intended to provide a fair and neutral process for all parties, including implementation of supportive measures and remedies where appropriate. The District may use co-coordinators and/or deputy coordinators.

Formal Complaint

“Formal complaint” means a document filed by a complainant or signed by the TIXC alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the TIXC in person, by mail, or by electronic mail, by using the contact information provided by the District. The complaint document may be physical or electronic, shall contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. Where the TIXC signs a formal complaint, the TIXC is not “the complainant” or otherwise considered a party, but is to comply with applicable procedures.

Supportive Measures

“Supportive measures” mean nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, unilateral restrictions on contact that are not unreasonably burdensome on a respondent, changes in work or housing locations, authorized leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures shall be confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The TIXC is responsible for coordinating the effective implementation of supportive measures.

Education Program or Activity

“Education program or activity” means District operations and includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

Preponderance of the Evidence

“Preponderance of evidence” means evidence that is of greater weight or more convincing than an asserted fact or facts occurred than evidence in opposition to such facts. It is evidence which as a whole shows that an assertion to be proven is more likely than not.

(Continued)

Title IX Sexual Harassment

REGULATION AND POLICY DOES NOT AFFECT PARENT RIGHTS

Absent a court order or other legal requirement to the contrary, a parent or guardian is authorized to act on behalf of a minor student regarding decision-making and the exercise of rights under the Title IX Sexual Harassment policy and procedure, including the opportunity to accompany a minor student to meetings and interviews.

SEGREGATION OF FUNCTIONS / CONFLICT OF INTEREST

The TIXC, investigator, decisionmaker(s), and any informal resolution facilitator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals are to serve impartially without prejudgment of the facts at issue. The investigative, initial decision-making, appellate decision-making, and resolution functions must be performed by different trained individuals, who may be District employees or contractors.

CONFIDENTIALITY

With respect to its administration of Title IX Sexual Harassment policies and corresponding procedures, the District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted under FERPA⁵, required by law, or to carry out Title IX purposes, including the conduct of any investigation, hearing or Title IX judicial proceedings.

Investigative evidence directly related to the allegations of a formal complaint gathered by the District is subject to inspection and review by the parties but is not to be disseminated to the public. The United States Department of Education rule commentary provides that under the applicable FERPA definition of “education records” a parent of a complainant or respondent (or eligible student) has a right to inspect and review any witness statement that is directly related to the student, even if that statement contains information that is also directly related to another student, if the information cannot be segregated or redacted without destroying its meaning.⁴

EMPLOYEES SHALL REPORT

Employees who believe or have been made aware that they or any other employee, student, or visitor has been subject to Title IX Sexual Harassment shall report it to the TIXC. Failure to make such a report shall be grounds for discipline up to and including termination. If the knowledge of the reporting party gives rise to reasonable cause to believe that the reported conduct constitutes child abuse Policy 09.227 or a reportable criminal offense Policy 09.2211, notification of state officials shall be made as required by law.⁶

FALSE REPORTS PROHIBITED

Employees or students who intentionally make false reports related to the District’s administration of this policy and the corresponding procedures, are subject to disciplinary sanctions under applicable District policy, law, or the Code of Acceptable Behavior and Discipline.

Title IX Sexual Harassment

RELATED EVIDENCE RULES SUMMARY

The following rules apply to the District investigation and grievance process under the Title IX Sexual Harassment regulation:

- a) The District shall not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- b) The District cannot access, consider, disclose, or otherwise use a party's records made or maintained in connection with provision of treatment to the party by medical or mental health professionals or paraprofessionals unless the District obtains written consent from the party.
- c) Questions and evidence about the complainant's sexual predisposition or prior behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct or, such questions or evidence are offered to prove consent.

RETALIATION PROHIBITED

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any Title IX investigation, proceeding, or hearing.

REFERENCES:

²34 C.F.R. § 106.45

³[KRS 510.020](#)

⁴85 Fed. Reg. 30433 (May 19, 2020)

Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107) Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106 Clery Act (20 U.S.C. §1092(f)(6)(A)(v)

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v)

34 U.S.C. § 12291(a)(10)

34 U.S.C. §12291(a)(3)

34 U.S.C. §12291(a)(8)

RELATED POLICIES:

¹03.162; 03.262; 09.42811

⁵09.14

⁶09.227; 09.2211

03.2621; 09.428111

Adopted/Amended: 8/18/2020

Order #: 3C

- CLASSIFIED PERSONNEL -

Title IX Sexual Harassment

INTRODUCTION AND SCOPE

A United States Department of Education regulation published on May 19, 2020 defines sexual harassment for purposes of Title IX (sometimes referred to in policy and procedure as “Title IX Sexual Harassment”). In addition to numerous other matters, the regulation sets forth grievance procedure requirements that apply (including the initiation of a “formal complaint”) before there is a determination that an employee is responsible for Title IX Sexual Harassment. The applicable definition of sexual harassment describes serious sexual misconduct. If the alleged actions that are the subject of a formal complaint do not descend to the level of conduct described in the definition of Title IX Sexual Harassment; do not take place in a “program or activity” of the school District within the meaning of Title IX; or do not take place in the United States, the formal complaint must be dismissed.

Such a dismissal does not mean that the alleged offending party cannot be the subject of investigation or discipline on grounds other than “Title IX Sexual Harassment” as addressed in Board policy or law, including conduct allegedly constituting sexual harassment or other sexual misconduct that does fall within the definition of “Title IX Sexual Harassment.”¹

PROHIBITION

Title IX Sexual Harassment in educational programs or activities of the District is prohibited.

GRIEVANCE PROCEDURE

The District shall provide a Title IX Sexual Harassment grievance procedure that treats complainants and respondents equitably as required by Federal Regulation.²

DEFINITIONS

TITLE IX SEXUAL HARASSMENT

“Title IX Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- 4) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- 5) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity;

Title IX Sexual Harassment

DEFINITIONS (CONTINUED)

TITLE IX SEXUAL HARASSMENT (CONTINUED)

- 6) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). For purposes of this definition, “sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.³

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Consent

“Consent” means a voluntary expression of willingness, permission, or agreement to engage in sexual activity throughout a sexual encounter. Consent cannot be granted by an individual: who is less than the statutory age of consent under Kentucky criminal law, has a mental or physical condition or incapacity that prevents the giving of consent; or from whom ostensible “consent” is extracted through threat, coercion, or forcible compulsion.

Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a complainant who is participating or attempting to participate in the District’s educational programs or activities may file a formal complaint.

Respondent

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a person in his or her individual capacity is subject to a Title IX investigation.

Title IX Sexual Harassment

DEFINITIONS (CONTINUED)

Title IX Coordinator (TIXC)

The TIXC is the individual or individuals designated and authorized to coordinate District Title IX programs. The TIXC is expected to engage in activities intended to provide a fair and neutral process for all parties, including implementation of supportive measures and remedies where appropriate. The District may use co-coordinators and/or deputy coordinators.

Formal Complaint

“Formal complaint” means a document filed by a complainant or signed by the TIXC alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the TIXC in person, by mail, or by electronic mail, by using the contact information provided by the District. The complaint document may be physical or electronic, shall contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. Where the TIXC signs a formal complaint, the TIXC is not “the complainant” or otherwise considered a party, but is to comply with applicable procedures.

Supportive Measures

“Supportive measures” mean nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, unilateral restrictions on contact that are not unreasonably burdensome on a respondent, changes in work or housing locations, authorized leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures shall be confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The TIXC is responsible for coordinating the effective implementation of supportive measures.

Education Program or Activity

“Education program or activity” means District operations and includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

Preponderance of the Evidence

“Preponderance of evidence” means evidence that is of greater weight or more convincing than evidence in opposition to such facts. It is evidence which as a whole shows that an assertion to be proven is more likely than not.

Title IX Sexual Harassment

REGULATION AND POLICY DOES NOT AFFECT PARENT RIGHTS

Absent a court order or other legal requirement to the contrary, a parent or guardian is authorized to act on behalf of a minor student regarding decision-making and the exercise of rights under the Title IX Sexual Harassment policy and procedure, including the opportunity to accompany a minor student to meetings and interviews.

SEGREGATION OF FUNCTIONS / CONFLICT OF INTEREST

The TIXC, investigator, decisionmaker(s), and any informal resolution facilitator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals are to serve impartially without prejudgment of the facts at issue. The investigative, initial decision-making, appellate decision-making, and resolution functions must be performed by different trained individuals, who may be District employees or contractors.

CONFIDENTIALITY

With respect to its administration of Title IX Sexual Harassment policies and corresponding procedures, the District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted under FERPA³, required by law, or to carry out Title IX purposes, including the conduct of any investigation, hearing or Title IX judicial proceedings.

Investigative evidence directly related to the allegations of a formal complaint gathered by the District is subject to inspection and review by the parties but is not to be disseminated to the public. The United States Department of Education rule commentary provides that under the applicable FERPA definition of “education records” a parent of a complainant or respondent (or eligible student) has a right to inspect and review any witness statement that is directly related to the student, even if that statement contains information that is also directly related to another student, if the information cannot be segregated or redacted without destroying its meaning.⁴

EMPLOYEES SHALL REPORT

Employees who believe or have been made aware that they or any other employee, student, or visitor has been subject to Title IX Sexual Harassment shall report it to the TIXC. Failure to make such a report shall be grounds for discipline up to and including termination. If the knowledge of the reporting party gives rise to reasonable cause to believe that the reported conduct constitutes child abuse Policy 09.227 or a reportable criminal offense Policy 09.2211, notification of state officials shall be made as required by law.⁶

FALSE REPORTS PROHIBITED

Employees or students who intentionally make false reports related to the District’s administration of this policy and the corresponding procedures, are subject to disciplinary sanctions under applicable District policy, law, or the Code of Acceptable Behavior and Discipline, as applicable.

Title IX Sexual Harassment

RELATED EVIDENCE RULES SUMMARY

The following rules apply to the District investigation and grievance process under the Title IX Sexual Harassment regulation:

- d) The District shall not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- e) The District cannot access, consider, disclose, or otherwise use a party's records made or maintained in connection with provision of treatment to the party by medical or mental health professionals or paraprofessionals unless the District obtains written consent from the party.
- f) Questions and evidence about the complainant's sexual predisposition or prior behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct or, such questions or evidence are offered to prove consent.

RETALIATION PROHIBITED

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any Title IX investigation, proceeding, or hearing.

REFERENCES:

²34 C.F.R. § 106.45

³[KRS 510.020](#)

⁴85 Fed. Reg. 30433 (May 19, 2020)

Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107) Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106 Clery Act (20 U.S.C. §1092(f)(6)(A)(v)

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v)

34 U.S.C. § 12291(a)(10)

34 U.S.C. §12291(a)(3)

34 U.S.C. §12291(a)(8)

RELATED POLICIES:

¹03.162; 03.262; 09.42811

⁵09.14

⁶09.227; 09.2211

03.1621; 09.428111

Adopted/Amended: 8/18/2020

Order #: 3C

Title IX Sexual Harassment

INTRODUCTION AND SCOPE

A United States Department of Education regulation published on May 19, 2020 defines sexual harassment for purposes of Title IX (sometimes referred to in policy and procedure as “Title IX Sexual Harassment”). In addition to numerous other matters, the regulation sets forth grievance procedure requirements that apply (including the initiation of a “formal complaint”) before there is a determination that a student is responsible for Title IX Sexual Harassment. The applicable definition of sexual harassment describes serious sexual misconduct. If the alleged actions that are the subject of a formal complaint do not descend to the level of conduct described in the definition of Title IX Sexual Harassment; do not take place in a “program or activity” of the school District within the meaning of Title IX; or do not take place in the United States, the formal complaint must be dismissed.

Such a dismissal does not mean that the alleged offending party cannot be the subject of investigation or discipline on grounds other than “Title IX Sexual Harassment” as addressed in Board policy or law, including conduct allegedly constituting sexual harassment or other sexual misconduct that does fall within the definition of “Title IX Sexual Harassment.”¹

PROHIBITION

Title IX Sexual Harassment in educational programs or activities of the District is prohibited.

GRIEVANCE PROCEDURE

The District shall provide a Title IX Sexual Harassment grievance procedure that treats complainants and respondents equitably as required by Federal Regulation.²

DEFINITIONS

Title IX Sexual Harassment

“Title IX Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity;
- 3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). For purposes of this definition, “sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.³

Title IX Sexual Harassment

DEFINITIONS (CONTINUED)

Title IX Sexual Harassment (continued)

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Consent

“Consent” means a voluntary expression of willingness, permission, or agreement to engage in sexual activity throughout a sexual encounter. Consent cannot be granted by an individual: who is less than the statutory age of consent under Kentucky criminal law, has a mental or physical condition or incapacity that prevents the giving of consent; or from whom ostensible “consent” is extracted through threat, coercion, or forcible compulsion.

Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a complainant who is participating or attempting to participate in the District’s educational programs or activities may file a formal complaint.

Respondent

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. This applies to such individual even if no formal complaint is filed. Only a person in his or her individual capacity is subject to a Title IX investigation.

Title IX Coordinator (TIXC)

The TIXC is the individual or individuals designated and authorized to coordinate District Title IX programs. The TIXC is expected to engage in activities intended to provide a fair and neutral process for all parties, including implementation of supportive measures and remedies where appropriate. The District may use co-coordinators and/or deputy coordinators.

(Continued)

Title IX Sexual Harassment

Formal Complaint

“Formal complaint” means a document filed by a complainant or signed by the TIXC alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the TIXC in person, by mail, or by electronic mail, by using the contact information provided by the District. The complaint document may be physical or electronic, shall contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. Where the TIXC signs a formal complaint, the TIXC is not “the complainant” or otherwise considered a party, but is to comply with applicable procedures.

Supportive Measures

“Supportive measures” mean nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, unilateral restrictions on contact that are not unreasonably burdensome on a respondent, changes in work or housing locations, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures shall be confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The TIXC is responsible for coordinating the effective implementation of supportive measures.

Education Program or Activity

“Education program or activity” means District operations and includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

Preponderance of the Evidence

“Preponderance of evidence” means evidence that is of greater weight or more convincing than evidence in opposition to such facts. It is evidence which as a whole shows that an assertion to be proven is more likely than not.

REGULATION AND POLICY DOES NOT AFFECT PARENT RIGHTS

Absent a court order or other legal requirement to the contrary, a parent or guardian is authorized to act on behalf of a minor student regarding decision-making and the exercise of rights under the Title IX Sexual Harassment policy and procedure, including the opportunity to accompany a minor student to meetings and interviews.

Title IX Sexual Harassment

SEGREGATION OF FUNCTIONS / CONFLICT OF INTEREST

The TIXC, investigator, decisionmaker(s), and any informal resolution facilitator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals are to serve impartially without prejudgment of the facts at issue. The investigative, initial decision-making, appellate decision-making, and resolution functions must be performed by different trained individuals, who may be District employees or contractors.

CONFIDENTIALITY

With respect to its administration of Title IX Sexual Harassment policies and corresponding procedures, the District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted under FERPA⁴, required by law, or to carry out Title IX purposes, including the conduct of any investigation, hearing or Title IX judicial proceedings.

Investigative evidence directly related to the allegations of a formal complaint gathered by the District is subject to inspection and review by the parties but is not to be disseminated to the public. The United States Department of Education rule commentary provides that under the applicable FERPA definition of “education records” a parent of a complainant or respondent (or eligible student) has a right to inspect and review any witness statement that is directly related to the student, even if that statement contains information that is also directly related to another student, if the information cannot be segregated or redacted without destroying its meaning.⁴

EMPLOYEES SHALL REPORT

Employees who believe or have been made aware that they or any other employee, student, or visitor has been subject to Title IX Sexual Harassment shall report it to the TIXC. Failure to make such a report shall be grounds for discipline up to and including termination. If the knowledge of the reporting party gives rise to reasonable cause to believe that the reported conduct constitutes child abuse Policy 09.227 or a reportable criminal offense Policy 09.2211, notification of state officials shall be made as required by law.⁶

FALSE REPORTS PROHIBITED

Employees or students who intentionally make false reports related to the District’s administration of this policy and the corresponding procedures, are subject to disciplinary sanctions under applicable District policy, law, or the Code of Acceptable Behavior and Discipline, as applicable.

Title IX Sexual Harassment

RELATED EVIDENCE RULES SUMMARY

The following rules apply to the District investigation and grievance process under the Title IX Sexual Harassment regulation:

- g) The District shall not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- h) The District cannot access, consider, disclose, or otherwise use a party's records made or maintained in connection with provision of treatment to the party by medical or mental health professionals or paraprofessionals unless the District obtains written consent from the party.
- i) Questions and evidence about the complainant's sexual predisposition or prior behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct or, such questions or evidence are offered to prove consent.

RETALIATION PROHIBITED

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any Title IX investigation, proceeding, or hearing.

REFERENCES:

²34 C.F.R. § 106.45

³[KRS 510.020](#)

⁴85 Fed. Reg. 30433 (May 19, 2020)

Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v))

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v))

34 U.S.C. § 12291(a)(10)

34 U.S.C. §12291(a)(3)

34 U.S.C. §12291(a)(8)

RELATED POLICIES:

¹03.162; 03.262; 09.42811

⁵09.14

⁶09.227; 09.2211

03.1621; 03.2621

Adopted/Amended: 8/18/2020 Order #: 3C

STUDENTS

09.428111AP.11

Title IX Sexual Harassment Grievance Procedures

**THIS PROCEDURE APPLIES TO “TITLE IX SEXUAL HARASSMENT”
UNDER POLICIES 03.1621, 03.2621, AND 09.428111.**

REPORTING

1. School employees who have reason to believe that a student has been subjected to Title IX Sexual Harassment are required to promptly make a report to the Title IX Coordinator (TIXC).
2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed may make a report to the TIXC.
3. If the individual making the report is the alleged victim (“Complainant” as defined in the Title IX Sexual Harassment regulation), or if the Complainant is identified by the individual making the report, the TIXC will meet with the Complainant to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
4. The District cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
5. The Superintendent/designee shall be informed of all reports and formal complaints of sexual harassment.

FORMAL COMPLAINT

1. A Complainant and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX Sexual Harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation).

Students who need assistance in preparing a formal written complaint, may consult with the TIXC.
2. In accordance with the Title IX regulations, the TIXC must dismiss a formal complaint under this Title IX procedure if:
 - a) the conduct alleged in the formal complaint does not constitute sexual harassment as defined under the Title IX regulations and the Title IX Sexual Harassment policy; or
 - b) the conduct alleged did not occur within the scope of the District’s education programs and activities, or
 - c) did not occur in the United States.

3. In accordance with the Title IX regulations, the TIXC may dismiss a formal complaint if:
 - a) a Complainant withdraws the formal complaint, or withdraws particular allegations within the complaint;
 - b) the Respondent is no longer employed by or enrolled in the District; or

Title IX Sexual Harassment Grievance Procedures

FORMAL COMPLAINT (CONTINUED)

- c) there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through other applicable Board policy/procedure.
4. If a formal complaint is dismissed under this Title IX procedure, the TIXC will promptly and simultaneously send written notices to the parties explaining the reasons. The parties have the opportunity to appeal dismissals as outlined below.
5. In certain circumstances, the TIXC may file a formal complaint even when the alleged victim chooses not to. Examples could include instances where the Respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment; a safety threat within the District, or other alleged serious violations where pursuit of a complaint is warranted.
6. If the conduct alleged in a formal complaint potentially violates other laws or Board policies, the District may address the conduct under another applicable Board policy/procedure.

EMERGENCY REMOVAL/SUSPENSION

The Superintendent may direct the removal of a student from education programs and activities on an emergency basis during the complaint procedure:

1. If there is a determination, following an individualized safety and risk analysis which may be performed as provided in District Policy 09.429 (Threat Assessment), that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a Complainant by a Respondent, or a Respondent's threat of self-harm due to the allegations.¹
2. The Respondent and parent/legal guardian will be provided notice of the emergency removal, and will be provided an opportunity to challenge the decision either before or following the removal (this is an opportunity to be heard, not a hearing) utilizing the procedure applicable to student suspensions per Policy 09.434 Suspension.
3. Any such decision shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

(Continued)

Title IX Sexual Harassment Grievance Procedures

EMPLOYEE SUSPENSION WITH PAY

An employee may be suspended with pay during the complaint procedure as provided in Board policies.²

NOTICE TO PARTIES FOLLOWING A FORMAL COMPLAINT

1. The TIXC will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting Title IX Sexual Harassment. The notice shall include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident[s], if known), allowing sufficient time to prepare before any initial interview (not less than ten [10] calendar days);
 - A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the grievance process;
 - The parties may inspect and review evidence directly related to the allegations of Title IX Sexual Harassment;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney);
 - Notice that knowingly making false statements or submitting false information in bad faith during the complaint process is prohibited and may result in disciplinary action;
 - Notice of the name of the investigator, with sufficient time (no less than three [3] calendar days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The TIXC will discuss supportive measures with each party and oversee implementation of such measures as appropriate.

INFORMAL RESOLUTION PROCESS

After a formal complaint has been filed, and if the TIXC believes the circumstances are appropriate, the TIXC may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the Complainant and the Respondent is an employee.

(Continued)

Title IX Sexual Harassment Grievance Procedures

INFORMAL RESOLUTION PROCESS (CONTINUED)

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a Respondent; apologies; disciplinary actions against a Respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent/designee must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the District. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination. The parties will be advised that engagement in the informal resolution process is grounds for extension of the investigation timeline.

INVESTIGATION

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent, who should consult with District legal counsel concerning the handling and investigation of the complaint.
2. The Investigator may consult with the TIXC as agreed during the investigation process.
3. If the complaint is against an employee of the District, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. The Investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the District does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.

Title IX Sexual Harassment Grievance Procedures

INVESTIGATION (CONTINUED)

- g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten (10) calendar days to submit a written response. Access to such evidence may be provided via file sharing software that does not permit copying or downloading. The Investigator shall advise the parties that evidence is not to be publicly disseminated.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence including the Investigator's recommendation on whether or not the evidence supports a finding that the Respondent engaged in conduct constituting Title IX Sexual Harassment. The Investigator shall send the report to the parties and advisors (if any) for their review and written responses which must be filed with the Investigator within ten (10) calendar days of their receipt of the report.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned Decision Maker. The Decision Maker shall immediately inform the parties of the date of his or her receipt of the report and of the deadline for submission of questions as provided below.
 - k. The Investigator's report shall be non-binding on the Decision Maker.
5. The investigation shall be concluded within forty (40) calendar days from the date of the TIXC Notice to the Parties Following a Formal Complaint as referenced above, but reasonable extension of time for good cause shall be allowed.

DETERMINATION OF RESPONSIBILITY

The Superintendent shall assign a trained Decision Maker to arrive at a determination of responsibility. The Decision Maker cannot be the Investigator, Informal Resolution Facilitator, or the TIXC.

1. The Decision Maker shall have authority to preside over the pre-decision process in a manner that allows the Complainant and Respondent an equal opportunity to participate, including setting reasonable equally applicable limits on the number of questions and excluding questions on relevancy grounds or that seek privileged or confidential medical treatment information. The Decision Maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five (5) calendar days of when the Decision Maker received the investigation report and party responses.

The Decision Maker shall provide a written explanation to a party proposing questions if the Decision Maker excludes a question on grounds that it is not relevant.

Title IX Sexual Harassment Grievance Procedures

DETERMINATION OF RESPONSIBILITY (CONTINUED)

2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five (5) calendar days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The Decision Maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The Decision Maker shall issue a written determination, which shall include the following:
 - a) Identification of all the allegations potentially constituting Title IX Sexual Harassment;
 - b) A description of the procedural steps taken from receipt of the formal complaint through the determination;
 - c) A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
 - d) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the District's programs and activities will be provided to the Complainant. In order to preserve confidentiality, remedies provided to the Complainant are not to be described in the determination report;
 - e) If applicable, a statement that disciplinary sanctions may require additional hearings or proceedings under separate law and policy: e.g. student expulsion; classified or certified employee public reprimand, suspension without pay, termination; or student alternative education program placement proceedings;
 - f) The District's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the District provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.
7. The implementation of measures or sanctions shall be made subject to and in compliance with applicable disability laws included the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

8. The determination shall be issued with thirty (30) calendar days of the Decision Maker's receipt of the Investigator's report and recommendation, but reasonable extension of time for good cause shall be allowed.

Title IX Sexual Harassment Grievance Procedures

REMEDIES, DISCIPLINE AND OTHER ACTIONS

Range of Remedies to Allow Equal Access to Complainant

1. Remedies are measures used to ensure that the Complainant has equal access to the District's education programs and activities following the Decision Maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the Complainant. The TIXC is responsible for implementing remedies and providing needed assistance to the Complainant.

2. Range of Disciplinary Sanctions (Students)

The following is a non-exhaustive range of disciplinary sanctions that may be imposed when there is a determination that students are responsible for one or more violations involving sexual harassment: In or out of school suspension; expulsion; assignment to alternative education programs; requirement to engage in education or counseling program; disqualification or modification of privileges to participate in sports or extracurricular programs; unilateral no-contact orders, school assignment alteration, or schedule changes; prohibitions or limitations on presence on school property or at school-related events; and other disciplinary sanctions and interventions set forth in the Code of Acceptable Behavior and Discipline.

3. Range of Disciplinary Sanctions (Employees)

The following is a non-exhaustive range of disciplinary sanctions that may be imposed when there is a determination that employees are responsible for one or more violations involving sexual harassment: Requirement to engage in education or counseling program; unilateral no-contact orders, school assignment alteration; prohibitions or limitations on presence on school property or at school-related events; private reprimand; public reprimand; suspension without pay; termination.

APPEALS

The Superintendent may serve as the Appellate Decision Maker and shall assign or arrange for the services of a trained Appellate Decision Maker if s/he does not serve in that role. The Appellate Decision Maker cannot be the Initial Decision Maker, Informal Resolution Facilitator, Investigator, or TIXC.

The Appellate Decision Maker shall have authority to preside over the appeal process in a manner that allows Complainant and Respondent an equal opportunity to participate, including setting reasonable page limits, enforcing timelines, and limiting review on the record to allowable grounds.

The parties (Complainant and Respondent) have the opportunity to appeal a responsibility determination and dismissals of formal complaints. Appeals will be considered only on the following grounds:

1. A procedural irregularity that affected the outcome;
 2. New evidence that was not reasonably available as of the date of the determination regarding responsibility or dismissal of the formal complaint, that could affect the outcome;
- or

Title IX Sexual Harassment Grievance Procedures

APPEALS (CONTINUED)

3. The TIXC, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome.

APPEAL STEPS

1. An appeal must be filed in writing within five (5) calendar days of the receipt of the determination decision. Appeals after that deadline will not be considered. The written appeal must state the grounds and arguments for reversal or modification of the determination.
2. Appeals must be filed with the Superintendent, who will submit the appeal to the Appellate Decision Maker or engage in further appellate steps if the Superintendent is the Appellate Decision Maker. Parties initiating an appeal or seeking reversal or modification of a responsibility determination must explain the impact of any asserted error on the outcome and, in the case of new evidence, are to explain why such evidence was not available, summarize the evidence and explain how the party contends such evidence would have affected the outcome.
3. The Appellate Decision Maker shall notify the other party in writing of the appeal and include copies of the document setting forth the grounds and arguments in support of the appeal. The other party shall have the option to file with the Appellate Decision Maker written arguments in response to the opposing party's appeal within five (5) calendar days of receipt of the appeal document. An untimely response will not be considered.
4. The Appellate Decision Maker shall conduct an impartial review of the appeal including consideration of arguments of the parties and the written record and may consult with District legal counsel in the decision-making process.
5. The Appellate Decision Maker shall issue a written decision describing the result of the appeal and rationale for the result and provide notice of the written decision simultaneously to the parties. The Decision may: affirm the determination, reverse the determination, or modify the determination in whole or in part.
6. The Title IX grievance determination of responsibility is final when there is no timely appeal or on the date when the Appellate Decision Maker sends his or her decision to the parties. A determination that conduct is not Title IX Sexual Harassment does not prevent the imposition of sanctions consistent with other law or policy where the conduct is determined to be in violation of such other law or policy.

RECORDS

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven (7) years.

STUDENTS 09.428111AP.11

(Continued)

Title IX Sexual Harassment Grievance Procedures

REFERENCES:

¹[KRS 158.4410](#); [KRS 158.150](#); [KRS 158.153](#)
[704 KAR 019:002](#)

Individuals with Disabilities Education Act
Section 504 of the Rehabilitation Act
The Americans with Disabilities Act

RELATED POLICIES:

²03.173; 03.27
09.429; 09.434

RELATED PROCEDURES:

03.1621 AP.2; 03.2621 AP.2; 09.428111 (all procedures)

Review/Revised:8/18/2020

3.10 STUDENT DISCRIMINATION GRIEVANCE PROCEDURE

CLAY COUNTY BOARD OF EDUCATION POLICY NUMBER **09.13, 09.42811**

It is the policy of the Clay County Public School District to provide a working and learning environment free from discrimination. To that end, the District requests students, parents and staff to assist the Superintendent and the Board of Education in identifying barriers to a discrimination-free learning and working environment in our school(s). The following Grievance procedure is provided as an avenue for the expediting processing of complaints toward the elimination of elements that pollute the learning environment.

Each school shall have a designated Title IX/Section 504/ADA Compliance Officer who shall:

- (a) be familiar with the discrimination policy and procedures;
- (b) maintain a resource manual in each school; and
- (c) keep on file copies of the discrimination policy and procedures and grievance forms.

Harassment or discrimination based on race, color, national origin, age, religion, sex, or disability can come in many different forms. Intimidation by threats of physical violence; physical assault or violence; property damage, name calling; a climate of hostility or

threats, hatred, contempt, or prejudice are all considered forms of harassment or discrimination and shall not be tolerated or condoned.

Sexual harassment is considered a form of sexual discrimination. Sexual harassment in the public schools is illegal and unacceptable conduct and is expressly prohibited. This grievance procedure also applies to complaints of sexual harassment.

Disciplinary Action: Students who engage in harassment or discrimination of an employee or student of the Clay County Public School District because of race, color, national origin, age, religion, sex or disability shall be subject to disciplinary action, including suspension or expulsion. For more details, contact Renee Smith at (606) 598-2168 or renee.smith@clay.kyschools.us.

3.11 WELLNESS POLICY CLAY COUNTY BOARD OF EDUCATION POLICY NUMBER 09.2

The Clay County School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, Clay County Schools has formed a Wellness Committee to oversee rules and guidelines that can improve the health of our children as well as instill lifelong healthy habits.

Nutritional Quality of Foods and Beverages Sold and Served on Campus

School meals will:

- * be appealing.
- * be served in clean settings.
- * meet nutritional requirements established by local, state, and federal statutes and regulations.
- * offer a variety of fruits and vegetables.
- * serve only 1% or fat-free milk

Clay County Public Schools participates in the National School Lunch Program and the School Breakfast Program. As part of this program, all Clay County students are eligible to receive a breakfast and lunch each day at no cost due to the implementation of the Community Eligibility Program.

USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should

contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Fundraising Activities

To support children's health and school nutrition-education efforts, school fundraising activities will not involve food or will use only foods that meet the nutrition and portion size standards for foods and beverages sold individually listed in this document. Schools will encourage fundraising activities that promote physical activity. Some fundraisers that sell food items may be approved if the item is not "ready-to-eat" such as cookie dough, microwave popcorn, etc.

The school's wellness committee will make available a list of ideas for acceptable fundraising activities. This list will be shared with all staff at their school.

Snacks

Snacks should be very limited within a school day by encouraging all children to eat breakfast and lunch daily. If and when snacks are allowed, they should be a sound nutrition with emphasis on fruits, vegetables, and water. Any non-nutritious foods served at school should be limited to classroom parties on a once-a-month basis and only pre-packaged items.

The Healthy Hunger-Free Kids Act of 2010 requires that all foods sold to students at school during the school day meet Smart Snacks Nutrition standards. This applies to all food and beverages sold on the school campus outside the school meal programs.

Rewards

Schools will attempt to limit the use of foods and beverages as reward for academic performance or to reward good behavior. Schools will develop a list of non-food items as reward as a guide for their school staff to follow.

Closed Campus

Students are not permitted to leave school grounds during the school day to purchase food or beverages. Students may not order food to be delivered to schools for lunch or breakfast from outside sources.

Teachers shall not order food for students from outside sources. School staff that attempts this risk having their school be fined by the Dept. of Nutrition Services from the Ky. Dept. of Education. This fine could be as much as the district would receive from the USDA federal reimbursement.

Physical Activity

All Clay County Schools must evaluate the student physical activity environment on an annual basis, including the amount of time and types of physical activity provided in the elementary school as required in KRS 158.645(11). All Clay County elementary schools must schedule 30 minutes of physical activity per day or 150 minutes per week of moderate to physical activity for all grades K-6. If any legislation occurs before or during the school year to include additional grades or minutes of physical activity, Clay County Schools will follow these guidelines.

Nutrition Education

School programs should ensure that students in K-12 receive nutrition education that provides the knowledge they need to adopt healthy lifestyles. This instruction should help students learn more about the importance of various food groups; caloric, sugar and fat intake; healthy cooking methods; the recognition of the role media play in marketing and advertising foods and beverages; and the relationship of a balanced diet and regular exercise to a healthy lifestyle. Clay County Schools suggests all elementary students receive one nutrition education unit every two years K-6. Students in middle school and high school shall receive nutrition education through Health classes, Life Skills, Family and Consumer Science, Biology, and other related classes.

Community Involvement

Any programs, incentives, rewards, etc., offered through businesses, restaurants, etc., shall meet nutritional standards set forth by the Clay Co. Schools Wellness Policy. Any type of food rewards, coupons for food, etc., shall be those of sound nutritional basis by following low-fat, low sugar, guidelines as set forth in the expanded Clay Co. Wellness Policy. Any and all activity that involves students used to simply promote the public advertising of a business shall not be allowed.

For additional information contact School Food Director Melinda Nicholson at (606) 598-2168 or at Melinda.nicholson@clay.kyschools.us. The complete document can be viewed on the Clay County Schools district website [<http://www.clay.k12.ky.us>].

CHAPTER 4: PARENT/GUARDIAN NOTIFICATIONS

4.1 FERPA RIGHTS & CHILD FIND for CHILDREN with DISABILITIES in NEED of SPECIAL EDUCATION SERVICES

The Family Educational Rights and Privacy Act (FERPA) affords parents and “eligible” students (students over 18 years of age or who are attending a postsecondary institution) certain rights with respect to the student’s education records. They are:

- 1) The right to inspect and review the student’s education records within forty-five (45) days of the day the District receives a request for access.**

Parents or eligible students should submit to the school principal/designee a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- 2) The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or in violation of the student’s privacy or other rights.**

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading or in violation of privacy or other rights. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- 3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.**

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request,

the District shall disclose education records without consent to officials of another school district in which a student seeks or intends to enroll or to other entities authorized by law.

- 4) **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.** The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

4.2 CHILD FIND

The Clay County School District keeps educational records in a secure location in each school and Board Office. The Clay County School District obtains written consent from a parent or eligible student (age 18 years or who is attending a postsecondary institution), before disclosing personally identifiable information to an entity or individual not authorized to receive it under FERPA.

For students who have been determined eligible for Special Education, educational records will be destroyed at the request of the parent when they are no longer needed to provide educational programs or services. Parents are advised that data contained in the records may later be needed for Social Security benefits or other purposes. The Clay County School District may retain, for an indefinite period of time, a record of the student's name, address, telephone number, grades, attendance records, classes attended, grade level completed, and year completed.

Children determined eligible for Special Education include those children with disabilities who have autism, deaf-blindness, developmental delay, emotional-behavioral disability, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment and who because of such an impairment need Special Education services.

The Clay County School District has an ongoing "Child Find" system, which is designed to locate, identify and evaluate any child residing in a home, facility, or residence within its geographical boundaries, age three (3) to Twenty-one (21) years, who may have a disability and be in need of Special Education. This includes children who are not in school; those who are in public, private, or home school; those who are highly mobile such as children who are migrant or homeless; and those who are advancing from grade to grade, who may need but are not receiving Special Education.

The Clay County School District will make sure any child enrolled in its district who qualifies for Special Education services, regardless of how severe the disability, is provided appropriate Special Education services at no cost to the parents of the child.

Parents, relatives, public and private agency employees, and concerned citizens are urged to help the Clay County School District find any child who may have a disability and need Special Education services. The District needs to know the name and age, or date

of birth of the child; the name, address and phone number of the parent or guardian; the possible disability; and other information to determine if Special Education is needed.

Letters and phone calls are some of the ways the Clay County School District collects the information needed. The information the school District collects will be used to contact the parents of the child and find out if the child needs to be evaluated or referred for Special Education services.

If you know of a child who lives within the boundaries of the Clay County School District, who may have a disability, and may need but is not receiving Special Education services, please call 606-598-2168 or send the information to: **Alene Stivers, Director of Special Education**, at the Clay County Board of Education.

“Child Find” activities will continue throughout the school year. As part of these efforts the Clay County School District will use screening information, student records, and basic assessment information it collects on all children in the District to help locate those children who have a disability and need Special Education. Any information the District collects through “Child Find” is maintained confidentially.

Written Policies and Procedures have been developed which describe the District’s requirements regarding the confidentiality of personally identifiable information and “Child Find” activities. There are copies in the Principal’s office of each school, and in the Board of Education office. Copies of these Policies and Procedures may be obtained by contacting **Jeff Woods, Director of Pupil Personnel** at the Clay County Board of Education. The District office is open Monday through Friday, from 8:00 a.m. to 4:00 p.m.

The Clay County School District provides a public notice in the native language or other mode of communication of the various populations in the geographical boundaries of the District to the extent feasible. If you know of someone who may need this notice translated to another language, given orally, or delivered in some other manner or mode of communication, please contact the Director of Pupil Personnel or the Federal Program Coordinator at the District Central Office or at 606-598-2168.

4.3 PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA) SUMMARY

The **Protection of Pupil Rights Amendment (PPRA)**. PPRA affords parents and eligible students (those who are 18 or older or who are emancipated minors) certain rights regarding conduct of surveys, collection and use of information for marketing purposes, and certain physical examinations. These include the right to:

Consent before students are required to submit to a survey that concerns one (1) or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education:

- Political affiliations or beliefs of the student or student’s parent;
- Mental or psychological problems of the student or student’s family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships;

- Legally recognized privileged relationships such as with lawyers, physicians, or ministers;
- Religious practices, affiliations, or beliefs of the student or the student's parents; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Receive notice and an opportunity to opt a student out of:

- Any other protected information survey, regardless of funding;
- Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student (except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law); and
- Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use:

- Protected information surveys of students;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

4.4 ASBESTOS NOTIFICATION

Our schools are committed to maintaining a safe and healthy learning environment for all employees and students. In keeping with this commitment, our schools have employed independent consulting firms to conduct inspections and compile management plans for our facilities according to state and federal regulations to determine the extent of asbestos-containing materials and the safety potential for such materials. The inspection revealed that some of our facilities have asbestos-containing materials primarily in the form of pipe insulation and floor tile. The complete inspection report and laboratory analyses are available in the asbestos file in the principal's office of your school. (In most of these locations, the asbestos-containing materials are in good condition and therefore pose relatively little potential for the release of asbestos fibers under normal use and conditions.)

Every building at each school is inspected on a regular basis to ensure that asbestos-containing materials pose no health hazards and that all buildings meet government regulations.

Our schools intend to deal with asbestos-containing materials in school as directed by the recommendations of the Kentucky Natural Resources and Environmental Protection

Cabinet. Employees and teachers have been given specific instructions on how to avoid these materials and how to minimize any threat that might occur until removal is possible. We ask the cooperation of all parents and teachers in directing school occupants to assist us in maintaining a safe school environment. We thank you for your cooperation and assure you that we will keep you informed of the progress of our asbestos control program. **Any questions can be addressed to: Jeff Woods, Director of Buildings and Grounds, (606)598-2168.**

4.5 PESTICIDE NOTIFICATION

The Clay County School System provides numerous health services for students as well as employees. One of these services is pest control. A recent change in state regulations now requires school personnel to provide a twenty-four (24) hour notice prior to any pest control application made on school property. This information is available to all parents and employees requesting it.

*This is to advise that at the beginning of each school year there will be an opportunity for all parents and employees to be placed on a calling/ mailing list for notification of pest control applications. **Complete the PESTICIDE NOTIFICATION FORM and return the completed form to your child's school. Pesticide Notification Forms are available from your child's teacher, Principal's Office, Central Office, or on the Clay County Public Schools Web Site, www.clay.kyschools.us***

4.6 RELIGIOUS EXPRESSION IN THE SCHOOL SETTING (09.13)

Students have the same right to engage in individual or group prayer and religion discussion during the school day as they do to engage in other comparable activity. School officials should intercede to stop student speech that constitutes harassment aimed at a student or a group of students. The right to engage in voluntary prayer or religious discussion from discrimination does not include the right to have a captive audience listen or to compel other students to participate. Teachers and school administration are representatives of the state are prohibited from soliciting or encouraging religious activity, and from participating in such activity with students. Clay County Public Schools will abide by The Equal Access Act (for further information consult the U.S. Department of Education for religious Expression in Public Schools.

4.7 SAFE AND DRUG-FREE SCHOOLS

We respect our students and their individual rights. However, in light of recent tragic and violent events at our nation's schools, the Clay County Board of Education has determined that policies prohibiting illegal drugs and alcohol, and permitting the use of metal detector searches, student vehicle searches and student locker and desk searches is a critical part of its overall efforts to provide a safe, drug-free and nonviolent environment for students and staff. The primary aim of these policies is to prevent drugs, weapons and violence in our schools.

All procedures discussed in this document are designed to ensure the safety of students, staff and visitors. The procedures apply to students, staff and visitors

on any property owned by the Clay County Board of Education, during the school day or while in attendance at school-sponsored or school-related functions.

4.8 SCHOOL RESOURCE OFFICERS

The Clay County Public Schools Police Department utilizes the services of School Resource Officers (SRO). The SRO is a sworn law enforcement officer whose primary assignment is with the schools for the purpose of enforcing laws (when applicable), conducting law-related workshops/presentations to the students, faculty, and parents, and counseling/mentoring students. The SRO's can be seen in any school at any time. If you need to contact the SRO, please call Renee Smith at (606) 598-2168.

4.9 ENROLLMENT and HEALTH REQUIREMENTS FOR ATTENDING SCHOOL

According to Kentucky law, all students enrolling in any school must bring these documents to the school:

- A legal birth certificate
- A Kentucky certificate of immunization – a list of immunization can be found by contacting the local health department at (606)598-2425 or at your local medical provider.
- Proof of a preventative health care examination conducted within one (1) year prior to initial entry into the school program and another preventative health care examination within one (1) prior to entry into the sixth (6th) grade.
- Proof of an eye examination by an optometrist or ophthalmologist. This shall be documented on the Kentucky Eye Examination Form for School Entry.
- Proof of dental screening or examination no later than January 1st of the first year that a 5-year-old child is enrolled.

Out of state students will need these documents:

- A valid Kentucky Immunization Certificate.
- A physical examination done within one year prior to or 30 days after entering school.

Health records, as required by law, including immunization, physical, vision, hearing, and/or dental must be current, up to date, and on file at the school prior to the student participating in any extra-curricular activity, co-curricular activity, athletics/cheerleaders, field trips and/or after school programming.

4.10 PARENT RIGHT TO REQUEST

A parent/guardian has the right to request information on the professional qualification of their child's teacher.

CHAPTER 5: ATTENDANCE

There is a direct relationship between school attendance and achievement. The academic progress of a student greatly depends on the punctuality and regularity of school attendance. It is the responsibility of the school to provide a meaningful educational program and the responsibility of parents/guardians to send their children to school every day it is in session. The intent of this attendance code is to help students, their parents and school personnel understand the importance of school attendance.

5.1 EXPLANATIONS OF TERMS

5.1.a Absence An absence is missing any part of an instructional period. Instructional periods include all scheduled activities such as homeroom, classes, assemblies, pep rallies, etc.

5.1.b Attendance Event Any portion of a day absent from school.

5.1.c Excused Absences Pupils are not absent when participating in school activities which are provided in KRS 158.240, attending classes for moral instruction; and KRS 159.035, participating in 4-H activities. KRS 159.047 states that boards of education "...shall use one day of excused absences for attendance at the Kentucky State Fair for students applying for excused for this purpose."

The following situations are valid reasons for being absent from school and will be considered excused absences. If there is a question about the validity of an excuse, please contact the school. (Must provide excuse upon return to school)

1. Illness of the student (must have medical excuse);
2. Death in the family;
3. Family emergencies;
4. Religious holidays;
5. Court summons;
6. Driver's license or permit (1/2 day for each);
7. Transportation (failure of the bus to run);
8. Other approved activities.
9. Two (2) verified parent excuses without a doctors' statement will be accepted each semester.

5.1.d Unexcused Absences Absences for reasons other than those listed above will be considered unexcused. The following are examples of unexcused absences:

1. Indifference of parents/guardians;
2. Working;
3. Transportation (missed the bus);
4. Distance;
5. Suspension;
6. Overslept;
7. Juvenile Detention;
8. Baby-sitting;
9. Other activities deemed inexcusable by the school personnel.

5.1.e Compulsory Attendance: KRS 159.010 Except as provided in KRS 159.030 each parent, guardian or other person residing in the state and having in Custody or charge, any child between the ages of six (6) and eighteen (18), shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session, or to the public school that the Board of Education of the district makes provisions for the child to attend.

Any child enrolling in kindergarten must be (5) five years of age on/or by August 1st of the school year in which enrollment takes place.

KRS 159.150 prohibits a student from withdrawing from school before the age of 18.

5.1.f Determining Attendance. To determine attendance 702 KAR 7:125E Section 7 is used.

(1) A full day of attendance shall be recorded for a pupil who is in attendance one hundred percent (100%) of instructional time in a regularly scheduled school day for his grade level.

(2) A student who misses any part of an instructional period shall be counted absent for the time missed. Therefore, a student who is not seated in his/her homeroom, classroom or other assigned areas when the tardy bell rings is considered absent.

5.1.g Truancy: KRS 159.150 Any child who has been absent or tardy from school without valid excuse for (3) three **full** days is truant. Any child who has been reported absent without a valid excuse for more than (6) six **full** days is a habitual truant. **For the purpose of establishing a student's status as a truant, a student's attendance record is cumulative for an entire school year. When students transfer from one Kentucky district to another, attendance shall become part of their official school record.**

5.1.h(1). Absence Procedure: The **sixth (6) day**, or as soon as feasible after truancy, the parents/guardians of any student with no previous history of habitual truancy who is absent without sufficient documentation will be referred to the Director of Pupil Personnel for due process actions. This may result in a summons charging the parent/guardian with educational neglect.

5.1.h(2). Parents Responsible for Children's Violations: KRS 159.180

Every parent, guardian or custodian of a child residing in any school district in this state is legally responsible for any violation of KRS 150.010 to 159.170 by the child. Before any proceedings are instituted against the parent, guardian or custodian for violation of KRS 159.010 to 159.170, a written notice of the violation shall be served on the person by the Director of Pupil Personnel, and (1) one day shall be given for the termination of the violation. After such notice if the violation is continued or if the provisions of KRS 159.010 to 159.170 are again violated during the school term by the child, no further

notice shall be necessary and the parent or guardian shall be punishable as provided in KRS 159.990. A notice by certified mail return receipt requested or by personal service by the Director of Pupil Personnel shall be a legal notice.

5.2 MAKE-UP WORK

If a student receives an excused or unexcused absence, the student is expected to accept the responsibility to see the teacher or teachers and ask for make-up work. The time allowed for making arrangements to obtain missed work will be one day for each day of absence or at the teacher's discretion.

5.3 NOTIFICATION OF ABSENCE

When a student must be absent from school, it is the responsibility of the parent/guardian to contact the school on the day of absence and report why their child is absent. It is important to understand that the *primary purpose* for calling is to make the school aware that the parent/guardian is aware that their child is not in school. The telephone call alone *does not mean* the student will receive an excused absence.

5.4 EXCUSES

Any student returning to school after an absence will be required to bring a statement, signed by the parent/guardian or doctor, indicating the reason for the absence and the nature of the illness.

After excessive excused absences, the absences can be investigated.

5.5 TARDY

When a student arrives to school after the beginning time or leaves before the end of the school day, a parent/guardian **must** sign the child in or out at the office.

5.6 TEACHERS OF PRE-SCHOOL STUDENTS

Teachers of pre-school students must contact the parents/guardian of a pre-school student when he/she is absent two (2) consecutive days.

5.7 TRANSPORTATION

A pupil shall ride, to and from school each day, in the bus to which he/she is assigned and shall get on and off their assigned bus at the same stop each day unless permission to the contrary is granted by the principal of the school that the pupil attends. **Permission notes from parents, teachers, and others are not to be accepted by the drivers.**

5.8 ATTENDANCE AND SPECIAL EVENTS AT CLAY COUNTY HIGH

Students who wish to participate in special events (i.e. Homecoming, Prom Crew, etc.) sponsored by Clay County High School must maintain 90% attendance rate and zero discipline infractions.

CHAPTER 6: DISCIPLINARY RESPONSE TO STUDENT MISCONDUCT

6.1 BEHAVIOR VIOLATIONS

The student shall be disciplined by the principal or his/her designee for committing the offenses listed below. Certain violations will be handled with informal or in-school disciplinary measures. However, some of these offenses may result in suspension, placement in an alternative educational program, or expulsion from the Clay County Public Schools. The offenses include but are not limited to:

1. Failure to follow class/school rules;
2. Unexcused tardiness to class/school;
3. Non-attendance of class;
4. Failure to sign in or out of school;
5. Leaving school grounds without permission;
6. Forgery or the falsifying of documents and signatures;
7. Student disruptions or any deliberate action by the student, which results in serious disruption of the education process;
8. Failure to follow directives-the willful refusal by a student to respond to any reasonable directives of an authorized school personnel, including failure to identify oneself or to accept in-school disciplinary measures;
9. Profanity and vulgarity;
10. Cheating in academics or co-curricular or extracurricular activities;
11. Fighting: the use of serious physical force between two or more students;
12. Interference with school purposes;
13. Gambling with games of chance or skill for money or profit;
14. Fighting or striking school personnel;
15. Intimidating or interfering with school personnel or students; preventing or attempting to prevent school personnel or students from performing their responsibilities through threats, violence, or harassment including verbal abuse;
16. Assault: intending to or causing physical injury to another person by means of a deadly weapon or dangerous instrument, or intentionally causing physical injury to another person. Physical sexual abuse of any kind is also considered assault.
17. Theft: the stealing of property belonging to the school or another person;
18. Extortion: the obtaining of property from an unwilling person by intimidation or physical force;
19. Robbery: theft involving the use of physical force, deadly weapons, or dangerous instruments;
20. False activation of a fire alarm;
21. Making a threat;
22. Vandalism: damaging or defacing school property or the property of school personnel/students;
23. Arson: intentionally damaging school buildings or property of another person by starting a fire or causing an explosion;
24. Use, possession, sale, or being under the influence of drugs, alcohol, or any substance that can abuse harm and/or be abused;
25. Possession or sale of any item that can be deemed to be "drug paraphernalia";

26. Use, sale, or possession of fire works;
27. Possession of weapon(s) by carrying, storing, or using deadly weapons on school property; examples- guns, knives, brass knuckles, or any other items that could be used for inflicting injury;
28. For students in grades preK-6, possessing an electronic device on school property or at school activities (Section 4.10)
29. Possession or use tobacco products (including smokeless tobacco and electronic/vapor cigarettes) inside the school building and on school property, including buses.
30. Students are prohibited from harassing or discriminating employees or students of the Clay County School District.
31. Wearing of or displaying gang symbols, or writing of graffiti.
32. Violation of District Acceptable Use Policy
33. Filming any fight.

6.2 TEACHER ALTERNATIVES

Discipline problems, which are of a common or minor nature, are handled by the classroom teacher, who may use a variety of methods including

1. Verbal warning/reprimand;
2. Individual conference with the student;
3. Notifying parents/guardian;
4. Temporary isolation within the classroom;
5. Referral to Counselor (CCMS and CCHS);
6. Consultation with School Support Staff, i.e. School Psychologist, School Nurse, etc.
7. Temporary withdrawal of privileges;
8. Establishment of behavior management program;
9. Corporal punishment will no longer be used as an alternative for discipline in the Clay County School System.

Factors determining reasonable and appropriate means of discipline:

1. Level of Misconduct;
2. Age of student;
3. Physical condition, stature and strength of the pupil;
4. Previous methods attempted and documented;
5. Maturity of the pupil.

6.3 ADMINISTRATOR ALTERNATIVES

Disciplinary problems referred to the school administrator are usually handled by in-school measures short of suspension and/or expulsion. The staff member making the referral to the principal shall deliver in writing or verbally a referral which includes the following information:

1. Name of student
2. Class
3. Date/Time of incident
4. Reason for referral

5. Teacher's signature (if written)

The alternatives available to the principal include the following:

1. Counseling with the student regarding misconduct and alternative action;
2. Setting up conferences with the parents/guardians, which may include the referring teacher, counselor, or other staff member;
3. Extended loss of school privileges;
4. Alternative Education;
5. Out of school Suspension;
6. Recommendation to the Board of Education for out of school expulsion in the most severe cases.

In-school alternative education is the temporary removal of a student from one or more classes while under the proper supervision or the temporary placement of a student in a self-contained classroom taught by a qualified teacher. The principal or designee for violation of school rules or policies where the infraction does not necessarily warrant removal from school by suspension may impose in-school alternative education. During the time students are participating in the alternative education program, close supervision, guidance and a structured program of studies will be provided.

Discipline problems, which are dealt with in the classroom or those referred to the principal, must be documented.

Repeated infractions indicate that the disciplinary measures being used are ineffective and alternative methods should be sought. This may require consultation with others in the development of a specific plan of action.

6.4 CORPORAL PUNISHMENT

Since July 1, 1994, **Corporal Punishment** has **NOT** been used in the Clay County Public Schools as an alternative for discipline. It is our belief that in the best interest of students' alternative forms of discipline are more appropriate.

6.5 BEHAVIOR CONSEQUENCE FOR VIOLATIONS OF THE STUDENT CODE OF ACCEPTABLE BEHAVIOR

Students at different ages and grade levels are expected to assume varying degrees of responsibility for their actions. Therefore, different disciplinary measures will reflect different levels of maturity and self-discipline.

6.5. a Elementary School

The following disciplinary measures may be used. The severity of the offense and the discretion of the disciplinarian will determine the penalty. In a very extreme case where other formal methods of discipline have proven ineffective or inappropriate, expulsion may be necessary. These measures listed in alphabetical order may include:

- Bus Suspension
- In class Interventions

- In School Discipline Measure
- Out of School Suspension
- Parent/Guardian Letter
- Parent/Guardian Conference
- Payment of damages to school property
- Referral to Alternative Program or Agency

6.5.b Secondary Schools (CCMS, CCHS, and HCLC)

The following disciplinary measures may be used. The severity of the offense and the discretion of the disciplinarian will determine the penalty. In a very extreme case where other formal methods of discipline have proven ineffective or inappropriate, expulsion may be necessary. These measures listed in alphabetical may include:

- Bus Suspension
- Community Service Learning
- Driving Privileges suspended
- In class Interventions
- In School Discipline Measure
- Out of School Suspension
- Parent/Guardian Letter
- Parent/Guardian Conference
- Payment of damages to school property
- Referral to Alternative Program or Agency

In extreme cases, Expulsion Procedures may be initiated.

6.5 c Law Enforcement Notification

Certain offenses require that law enforcement is notified while other offenses may be reported to law enforcement. The following list of offenses that may require or could be reported to law enforcement include but may not be limited to:

- Fighting or Striking staff (Required reporting)
- Fighting – Student to Student
- Intimidation, Harassment, or Bullying
- Possession of weapons (Required reporting)
- Posting of school fights to social media
- Threats
- Theft and Vandalism
- Use of/or possession of drugs (including synthetic drugs), alcohol, drug paraphernalia, or fireworks (Required reporting)

6.6 IN-SCHOOL DISCIPLINARY MEASURES

6.6. a Purpose: In-School Disciplinary Measures (ISDM), is to deter negative student behavior while at school or while riding a school bus. For the middle school and high school groups, we believe that ISDM can discourage negative behavior by temporarily prohibiting the student from his/her normal social life.

ISDM enables the student to maintain their studies and grades, and learn to respect their privilege of living and associating with others in a positive manner.

6.6.b Procedures: If all other appropriate disciplinary procedures as listed in the Discipline and Attendance Code have been tried and failed to result in the desired behavior of a student, he/she may be assigned to ISDM by the principal or assistant principal. The length of the assignment may vary from one class period up to three full days, depending on the severity and frequency of the offense. The student will be under close supervision by a certified staff member at all times.

Lunch may be served in the student's study area and very limited bathroom breaks will be coordinated by the monitor. Snacks and drinks will not be permitted. Talking and/or sleeping will not be allowed.

Parents will be notified using Infinite Campus Parent Portal upon each assignment to ISDM.

The parent and/or student may request a conference with a counselor, teacher or any other staff member. Students who exhibit unacceptable behavior while in ISDM may be assigned additional time, or suspension.

Students may be detained after school for disciplinary purposes or they may be assigned to a classroom during a free period. (Detention time is traditionally served after school in a designated room supervised by a certified employee).

No special process is due when detaining students for disciplinary reasons. Each student who is to be detained should be told why he is being disciplined with the student having an opportunity to respond to the reasons given. Parents of the student who is to be detained after school must be notified in advance of the detention.

Unless provisions have been made for an alternative means of transportation, students should not be detained after school if detention would result in their missing district provided transportation. Parents may be required to provide transportation for their children in such circumstances.

6.7 ALTERNATIVES FOR SEVERE (PERSISTENT) BEHAVIOR VIOLATIONS

6.7.a Probation. Probation is a period of time during which the student must exhibit good behavior for a specified period of time and may be used as an alternative to suspension. Probation may be imposed for infraction of school rules or policies where the infraction does not necessarily warrant removal from school by suspension. Written notice of probation shall be given to the student or his/her parent(s) and shall be placed in the student's file. Should the student breach the conditions imposed for probation, the student may be suspended from school, or may be subject to any of the other authorized actions pursuant to the discipline policy.

6.7.b Community Service Learning. Clay County Public Schools recognize that student attendance is critical for student success. In order to provide students with as many learning opportunities as possible, Community Service Program will be for students who repeatedly violate rules. This program allows the student to complete their class work for that day and work in a community service project. Thus, the student will receive class credit and consequences for the behavior. The Community Service projects may involve cleaning public areas such as the football complex, picking up trash around the schools, washing school busses, and other projects throughout the year. Students will only return to their regular schedule immediately upon completing the assigned time in the Community Service Program. Students who do not attend this program will be counted as having an unexcused absence. Excessive absences may result in truancy charges being filed.

6.7.c Suspension: Suspension shall mean denial, for a stated period of time, attendance at any single subject class, at any full schedule of subjects or classes or any other type of activity conducted by or on behalf of Clay County Public Schools.

6.7.c(1): Suspension shall not exceed ten (10) school days. Cumulative suspensions of ten (10) days or more within one school year will require a school-based meeting to determine the appropriateness of the suspensions.

6.7.c(2): All suspensions will be unexcused absences. Written notice to parents shall be delivered within three (3) school days and must include a description of the offense and a beginning and ending date for the suspension. During the suspension, the student will receive no credit for work missed.

6.7.c(3): A suspended student will not represent the school or participate in any co-curricular activities sponsored by the school during the time of suspension.

6.7.c(4) A suspended student will not be able to use school transportation.

6.7.c(5) A suspended student will not be allowed on school property or to attend school events. For a suspension of ten (10) days or less, constitutional due process requires the following procedures to be followed for all students.

6.7.d (1) Due Process for Suspension. The Due Process procedure is as follows:

1. Notification: Oral or written notice of the charges, the rule violation and the specific act committed, to the student and/or parent/guardian.
2. Evidence: If the pupil denies the charge, an explanation of the evidence must be given to the student. The rule broken must be defensible, and documentation should be available.
3. Rights: An opportunity for the student to present his/her own version of the case at an informal, impartial hearing.
4. Records: Written notification of the action taken should be provided: If the student is to be suspended from one to ten days, a copy of the suspension shall be given to the parent/guardian, superintendent and one copy placed in the student's file.

6.7.e Alternative Placement. Alternative Placement shall mean the student's education setting will be more restricted environment. Students will be able to meet academic expectations while in attending the alternative placement. Details of the rules and expectations can be found in the Alternative Placement handbook. **Alternative**

Placement for students in grades 7-12 will be based on a demerit system. Details of demerits will be provided by all secondary schools.

6.7.f (1) Due Process for Alternative Placement. The Due Process procedure is as follows:

1. **Notification:** Oral or written notice of the charges, the rule violation and the specific act committed, to the student and/or parent/guardian.
2. **Evidence:** If the pupil denies the charge, an explanation of the evidence must be given to the student. The rule broken must be defensible, and documentation should be available.
3. **Rights:** An opportunity for the student to present his/her own version of the case at an informal, impartial hearing.
4. **Records:** Written notification of the action taken should be provided: If the student is to be suspended from one to ten days, a copy of the suspension shall be given to the parent/guardian, superintendent and one copy placed in the student's file.

6.7.g Expulsion: Expulsion shall mean a denial of attendance at any single subject or class or at any full schedule of subjects or classes, a denial of attendance at any other type of activity conducted by or in behalf of Clay County Public Schools and any combination of the foregoing; for a period of time not to exceed the current school year. An expulsion may also include a denial of admission to or entry upon real or personal property owned, leased, rented or controlled by the Clay County Board of Education.

The Board of Education may expel a pupil for the duration of the semester or the remainder of the school year. In the case of expulsions, the following due process procedural guidelines must be followed. In most cases, this will be used only after repeated infractions for which all other alternatives have been tried and proved unsuccessful.

6.7.h(1) Due Process for Expulsion. The Due Process procedure is as follows:

1. **Notification:** Complete and specific explanations of the accusations must be given to the student. Records of improper conduct should be maintained. ***Adequate time shall be granted for defense preparation.***
2. **Copy of Procedures:** The involved student and his/her parents should be provided with a copy of expulsion procedures followed by the Clay County Board of Education.
3. **Legal Counsel:** The student has the right to secure legal counsel.
4. **Rights:** The student, his/her parents or legal counsel has the right to inspect documents, affidavits or other exhibits to be used against the student; to be informed of the names of witnesses; cross-examine witnesses; and to present his/her defense with the use of witnesses, documents or exhibits.
5. **Decisions:** The decision shall be rendered by the Board of Education based only on the information presented. The student shall be given a written copy of the decision including the facts presented and the action to be taken.

6. **Records:** Documentation of the proceedings must be kept by the Board of Education.

6.8 ADDITIONAL DISCIPLINARY PROCEDURES FOR DISABLED STUDENTS

The LEA shall ensure that appropriate procedures are followed in the suspension and expulsion of children or youth with disabilities.

(1) **Suspension of a child or youth with disabilities for more than ten (10) days during a school year shall constitute a change of educational placement if:**

- (a) The child is removed for more than 10 consecutive school days during a school year; or
- (b) The child is subjected to a series of removals that constitute a pattern because the removals accumulate to more than ten (10) **school** days during a school year and because of other factors, such as the length of each removal, the total amount of time the child is removed, and the proximity of removals to one another. Educational services shall not be terminated during a period of expulsion and during a suspension after a student is suspended for more than a total of ten (10) school days during a school day.

(2) **Determination of change in placement (11th day removal).**

Before the child is removed for the 11th school day in any school year, the building principal and the DoSE/Federal Program Coordinator, or designee, determine if the removal constitutes a change in educational placement. They must be in agreement that the removal is not an educational change of placement. If they do not agree, the removal is treated as a change in educational placement.

(3) **For the 11th school day the child is removed during any school year if the removal does not constitute a change of educational placement:**

A. Functional Behavior Assessment and Behavior Intervention Plan:

If a functional behavior assessment has not previously been completed and a behavior intervention plan implemented for the child, an IEP meeting must be convened within ten (10) **business** days after first removing the child to develop a functional behavior assessment plan. This requirement applies to the first removal that exceeds ten (10) **school** days in any school year.

If a functional behavior assessment has already been completed and the child already has a behavioral intervention plan, the ARC must meet to review the plan and its implementation, and modify the plan and its implementation as necessary to address the behavior. This requirement applies to the first removal that exceeds ten (10) **school** days in any school year. As soon as practicable after developing the assessment plan, and completing the assessment required by the plan, the ARC must meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions.

B. Continuation of Educational Services: Educational services must be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP during any removals that exceed ten (10) **school** days in any school year. For the 11th day removal period, the building principal and the DoSE/Federal Program Coordinator, or designee, in consultation with

the child's special education teacher, must determine the necessary services based on the IEP.

- (4) **Interim Alternative Educational Setting Placement by ARC** An ARC may order a change in placement of a child to an appropriate interim alternative educational setting (IAES) for the same amount of time that a child without a disability would be subject to discipline, but not for more than forty-five (45) **calendar** days under the following conditions:
1. The child carries or possesses a weapon (as defined in federal law) to or at: school, a school function, or school premises, or
 2. The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. An illegal drug shall not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under the authority of any provision of the Controlled Substances Act, 21 USC section 812 © or under any other provision of federal law.
- (5) **Interim Alternative Education Setting Placement by a Hearing Officer** A due process hearing officer may order a change of placement of a child with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) **calendar** days or shorter period if the hearing officer, in an expedited due process hearing:
1. Determines that the Clay County School System has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or others;
 2. Considers the appropriateness of the child's current placement;
 3. Considers whether the Clay County School System has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and
 4. Determines the interim alternative educational setting that is proposed meets the legal requirements in 707 KAR 1:340(10)(7).
- (6) **Application to Judge for Injunctive Relief** The Superintendent, or designee, may seek injunctive relief through appropriate courts if the parent and the other members of the ARC cannot agree upon placement and the current placement will likely result in injury to the student or others.
- (7) **Functional Behavior Assessment and Behavior Intervention Plan** No later than ten (10) **business** days after commencing an action that results in a change of educational placement, including interim alternative educational setting placements, the Clay County School System shall convene the child's ARC to develop a plan for conducting a functional behavior assessment, if one has not previously been conducted; review and modify an existing behavior intervention plan and its implementation; or develop and implement appropriate behavioral interventions if a behavior intervention plan has not previously been developed.

(8) **Manifestation Determination Review** The ARC must determine if the child's behavior is a manifestation of their disability. No later than the date on which the decision to take the removal action is made, the parents shall be notified of the decision and provided with a copy of their procedural safeguards. Immediately, if possible, but in no case later than ten (10) **school** days after the date on which the decision to take that action is made, a review by the ARC and other qualified personnel shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action. If the behavior is determined to be a manifestation of the child's disability the child shall not be subject to further suspension or expulsion for the incident that was the subject of the manifestation determination. However, an interim alternative educational setting placement for weapons/drugs/substantial likelihood of injury/dangerousness may be imposed even if the misbehavior is a manifestation of the child's disability.

(9) **For the 11th school day the child is removed during any school year if the removal is determined to constitute a change of educational placement** If the building principal and DoSE/Federal Program Coordinator have determined the removal constitutes a change in educational placement due to a pattern of suspensions, or placement in an interim alternative educational setting has been agreed upon by the ARC due to weapons or drugs, or removal has been ordered by a hearing officer or judge for substantial likelihood of injury/dangerousness under 34 CFR 300.521 or 300.526; the following considerations must be given as appropriate for the situation:

(A.) Continuation of Educational Services. Educational services must be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the IEP. The extent of services necessary as described in the student's documentation, is determined by the ARC if the change of placement is due to a pattern of behavior or for weapons or drugs.

If the removal is ordered by a judge or hearing officer due to substantial likelihood of injury/dangerousness, then the necessary services are determined by the building principal and the DoSE/Federal Program Coordinator who have consulted with the child's special education teacher, and must be approved by a hearing officer or appropriate judge.

Before imposing an interim alternative educational setting placement or applying to a hearing officer or judge to do so the ARC shall attempt to obtain parental agreement to the proposed change of placement.

(B.) Right of Parent to Challenge Disciplinary Change of Placement - A parent may request a due process hearing to contest the decision reached in a manifestation determination review or any decision regarding placement under disciplinary action.

(C.) Challenges to Placement in an Interim Alternative Educational Settings and Manifestation Determination. If a parent requests a hearing to challenge the placement of his child in an interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting until the decision is final or until the expiration of the time period for the placement, whichever is first. (Refer to Clay County Special Education Policies and Procedures Manual)

CHAPTER 7: SCHOOL BUS REGULATIONS

The privilege of pupils to ride school buses is conditioned on their good behavior and their observation of rules and regulations regarding the proper behavior for riding school buses. Should any pupil persist in violating any of these regulations, it shall be the duty of the driver to notify the principal **in writing** and after due warning has been given to the pupil. Written notice of the principal's action shall be sent to the parents and a copy sent to the Board of Education, but such notice need not precede action by the principal.

7.1 BUS RULES

The privilege of any student to ride a school bus is conditioned upon his/her good behavior and observance of the following rules and regulations. Any pupil who violates any of these rules or regulations will be reported to the principal of the school which the pupil attends for necessary corrective action. We need the support of both the student and the parent.

SERIOUS MISCONDUCT ON THE BUS THAT HINDERS THE SAFETY OF STUDENTS OR OPERATION OF THE BUS MAY CAUSE A STUDENT TO BE PROHIBITED FROM RIDING A BUS.

Examples of misconduct are: damage to property, fighting, and use of tobacco, profanity.

1. The driver is in full charge of the bus and pupils. Pupils shall obey the driver cheerfully and promptly.
2. Pupils shall occupy the space designated for them by the driver.
3. Pupils shall be on time; the bus cannot wait for those who are not there 5 minutes before normal arrival time.
4. Pupils are never to stand on the road while waiting for the bus.
5. Pupils are to clean their feet before entering the bus.
6. Pupils are not to throw waste paper or other rubbish on the floor of the bus.
7. Pupils are not to mar or otherwise deface the bus.
8. Pupils are not allowed to carry a knife or any sharp instrument on the bus.
9. The following activities are prohibited at all times:
 - a. Improper behavior to include but not limited to: insolence, disobedience, vulgarity, foul language, fighting, pushing, shoving, or similar offensive acts;
 - b. No smoking or use of tobacco products;
 - c. Eating or drinking on the bus;

- d. Throwing articles or objects into or from the bus;
 - e. Placing musical instruments or other articles at the door;
 - f. Obstructing the aisle in any manner;
 - g. Occupying more space in a seat than required.
11. Pupils are to avoid unnecessary conversation with the driver;
 12. Pupils are to keep arms and head inside the bus at all times;
 13. Pupils are not to get off the bus except at their designated pick-up/drop-off spots or school, unless prior approval has been authorized by a written note from legal guardian and signed by the Principal of the school;
 14. Pupils are to remain in their seats at all times unless they are loading/unloading the bus;
 15. Pupils are to respect persons whom they pass on the routes;
 16. Pupils are to walk on the left side of the road facing the traffic;
 17. Pupils who must cross the road after alighting from the bus shall pass in front of the bus and not behind it;
 18. Pupils are prohibited from transporting balloons or glass containers on the school bus.
 - 19. Pupils who ride a bus from CCHS or CCMS to an elementary are not allowed to leave the bus and get in a private vehicle without prior written permission from CCMS or CCHS and the elementary school;**
 20. Should any of the above violations or other circumstances persist, the principal has the authority to deny the pupil the privilege of riding the bus.

7.2 BUS DISCIPLINARY PROCEDURES

1. The parents/students are responsible for the student's conduct on the bus.
2. The principal of the school is responsible for disciplinary action for bus incidents, when necessary.
3. If a pupil does not cooperate with the driver, the driver shall report this to the principal of the school where the pupil attends.
4. If a student refuses to do as instructed by the bus driver, they will be taken back to their school for disciplinary action.
5. If a student is acting in such an extremely violent manner as to make it unsafe for the bus to continue, he/she may be placed off the bus by the bus driver. Should this happen, the bus driver shall notify the transportation office and the principal immediately.
6. In extreme situations, the driver has the authority not to pick up a student during the morning run. If this decision is made, the procedure shall be as follows:
 - a. The principal and Director of Transportation are notified;
 - b. The parents are notified;
 - d. A conference involving student, parent, driver, and principal may be held;
 - e. The principal may make a decision for additional disciplinary action.
7. Students who repeatedly violate bus regulations may be suspended by the principal from riding the bus.

CHAPTER 8: DAY TO DAY OPERATIONS

8.1 BACKPACKS AND BOOK BAGS

Backpacks/book bags may be carried in all schools. Backpacks with rollers are not allowed, unless specified in an IEP or 504 plan. Individuals should consult the school administrators.

8.2 CRIMINAL OFFENSE

Acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school will require immediate action by school personnel. The action taken will be notification of the proper authorities and the student may be removed from school for a time period to be determined by the administrator. Severe or persistent cases may be removed from school for an extended length of time, pending a hearing before the Board in accordance with KRS 158.150.

8.3 DIRECTORY INFORMATION

Clay County Public Schools will release directory information to interested individuals or groups. The list below is the only information that will be released:

Student's Name	Address	Telephone number
Date and Place of birth	Name of Parent/Guardian	Dates of attendance
Degrees and awards received	Most recent school attended	Major field of study
Participation in officially recognized activities and sports		Photographs
Weight and height if the student is a member of an athletic team		

If you do not want the information released to appropriate individuals/groups, please complete the appropriate forms and return them to your child's school within two (2) weeks of the start of school (or enrollment). If you have any questions, please contact your school principal or the Clay County Schools Central Office (598-2168)

8.4 DRUG TESTING OF STUDENTS

It is the policy of Clay County High School to drug test students who choose to participate in athletic activities sponsored by Clay County High School. These extra-curricular activities consist of all sports, cheerleading, and related activities. All participants shall be tested prior to the start of their respective season. Fifty percent (50%) of the students will be randomly selected for testing each month throughout the duration of the season. Clay County High School shall choose an independent company to oversee the random selection of student athletes for drug testing. The procedure shall be established for the testing and collection process.

Participants will be tested for, but not limited to, the following substances: Phencyclidine (PCP), opiates, cocaine, barbiturates, amphetamines, OxyContin, and marijuana (THC). Each participant and one guardian shall sign a consent form at the beginning of the

season before the drug testing may be administered. The participant shall also sign a consent form before each random test is performed.

Test results shall be confidential and limited to the Principal and Coach. If the participant tests positive other designees will become involved in the drug testing program.

Refusal to follow any of the policies and procedures for drug testing will result in immediate ineligibility for that sport or activity.

8.4.a Drug Testing Procedure. Testing shall be accomplished by the analysis of urine specimens obtained from the student participants. All participants shall be tested prior to the early stages of their respective season. Fifty percent (50%) of the students will be randomly selected for testing each month during the season.

Each participant, and at least one legal guardian, must read this policy and procedures and acknowledge in writing, that they have read and accept the terms. The participant and legal guardian shall sign a consent form before the drug testing may be administered initially. The participant shall also sign a consent form prior to any random testing.

Collection procedures for urine specimens shall be developed, maintained, and administered by the testing agency in an effort to minimize any intrusion or embarrassment for the participant. It is our goal to ensure proper identification of participants, and participant's specimen, minimize the likelihood of the alteration of a urine specimen and maintain complete confidentiality of test results.

Drug testing procedures will be given to each participant when drug screening is done at the beginning of their season and again if chosen randomly. These procedures explain what will be expected of the participant at the collection site. The participant will read, sign, and date this document and the document will be placed in the participant's confidential file. If a participant tests positive to the drug screening, the participant will be ineligible for the remainder of the sports season.

8.4.b Penalties for Failed Drug Test. A participant who fails a drug screen (either tests positive for an illegal substance or tests positive for a prescription drug for which the participant does not have a prescription) shall be suspended from the sport for 30 days for a first offense. A negative drug screen shall be required before a participant is reinstated. The participant will be tested each time there is a drug testing for the remainder of the sports season, and will be encouraged to complete a substance abuse program approved by the Board of Education prior to reinstatement.

A second failed drug screen will result in the participant being ineligible for the remainder of the sports season.

8.5 GUNS-FREE SCHOOLS ACT of 1994

Students are never allowed to bring a weapon to school. The Board urges parents and other citizens to make sure that students do not have inappropriate access to weapons.

Both board policy and the law prohibit the carrying, bringing, using, or possessing of any weapon or dangerous instrument in any school building, on school grounds, in any vehicle or at any school-sponsored activity. Except for authorized law enforcement officials. The Board specifically prohibits the carrying of concealed weapons on school property.

When a student violates the prohibition on weapons, the principal shall immediately make a report to the Superintendent, who shall determine charges for expulsion are to be brought before the Board. The Board can choose to consider charges on a case-by-case basis, but the penalty may be expulsion for twelve (12) months. District employees must also report to law enforcement officials if they know or have reasonable cause to believe that conduct has occurred that constitutes the carrying, possession, or use of a deadly weapon on the school premises, on a school bus, or at a school sponsored or sanctioned event. (Legal Reference: The Gun-Free Schools Act of 1994 and KRS 158.150)

8.6 ILLEGAL DRUGS AND ALCOHOL

A student in the Clay County School District shall not sell, use, possess, or be under the influence of illegal drugs, or alcoholic beverages, or any substance that can be harmful to an individual or abused on any property owned by the Clay County Board of Education, during the school day or while the student is in attendance at any school-sponsored or school-related functions. If there is reasonable suspicion that an individual is under the influence, a Field Sobriety Test will be administered by trained Law Enforcement. If a student fails the Field Sobriety Test, a Urine Drug Test will be offered at the expense of the student. For students under the age of 18, the test will take place after obtaining parent/guardian permission.

A student in the Clay County School District shall not sell or possess any item that can be used as “drug paraphernalia” on any property owned by the Clay County Board of Education, during the school day or while the student is in attendance at any school-sponsored or school-related functions. It is the decision of the administrator in consultation with Law Enforcement and other agencies if needed, to determine if an item can be deemed as “drug paraphernalia”.

In addition, **Clay County High School Site Based Council** has passed a **Zero-Tolerance Policy (# 800.16)**. The policy states “Clay County High School prohibits the use, sale, possession, or being under the influence, of (as defined by CCHS Drug Testing Policy) alcohol, drugs, or a controlled substance on school property. Controlled substance is defined in KRS 218A. 010 (3).

First time violations will result in a student receiving educational services in an alternative setting. Students may also be suspended from school while appropriate arrangements are being made for the alternative setting. Students with repeated violations could be brought for expulsion proceedings brought by the Clay County Board of Education. If the violation is extreme/excessive in nature, the student may be brought before the Board for Expulsion for the first violation. This decision will be made by the Superintendent and other administrators at the district and school level.

8.7 PHYSICAL RESTRAINT

School employees are authorized by law to receive training regarding physical restraint and to physically restrain students as may be necessary for the following reasons:

- to protect themselves, students or others from physical injury;
- to get possession of a weapon or other dangerous object; or
- to protect school property from serious damage.

8.8 SEARCH & SEIZURE

Students have legitimate expectations of privacy and are, therefore, protected by the Fourth Amendment's protection against unreasonable searches and seizures. However, because of the school's equally legitimate need to maintain a suitable learning environment, school officials do not need to obtain a search warrant before searching a student who is under their authority. School officials can legitimately search a student, his/her locker, or his/her personal belongings, if the search is based upon reasonable cause (i.e.-reasonable belief that the student has violated a state or federal law or a school board policy) and if all circumstances of the search are reasonable. However, the method of the search must be reasonably related to the objectives of the search and must not be excessive, taking into consideration the student's age, sex, and the nature of the infraction. The method of the search may include the use of a metal detector and/or drug-sniffing dog.

Students cannot expect to have complete privacy in the use of school property assigned for their use, such as lockers and desks. School authorities may conduct general inspections of jointly held property on a regular basis. These inspections will be conducted in a reasonable non-discriminating manner. In addition, a student who drives a motor vehicle to school and parks it on school campus at any time can be searched.

8.9 STUDENT PARKING PERMITS

Driving to school and parking on school grounds is a **privilege**. Violation of parking rules and procedures may be grounds for revocation of the student's parking permit.

8.9.a General Information.

- With written parental request and under conditions prescribed by the high school principal, high school students may be permitted to drive and park motor vehicles on school grounds.
- Motorcycles are not permitted to be driven to school.
- Students and their parents seeking driving privileges shall complete and sign a Parking Request from the principal's office.
- The principal and or designee shall be responsible for approving the issuance of a parking permit to high school students.
- The principal or designee shall notify students of available parking.
- The principal and staff shall develop appropriate criteria for determining priority of student parking permits to be issued.
- Students may be charged a reasonable fee for parking permits and replacements.
- To obtain parking permit the student shall present to the principal or his designee a valid driver's license, vehicle registration, and proof of insurance.
- Vehicles shall be parked in designated area on the school campus.

- Students shall not visit or move their vehicles during the day unless the principal gives permission.
- The school assumes no liability for damage or theft of student property.
- Middle school students shall not be permitted to drive to school.
- Students who drive are not allowed to drive to an elementary school and then board a bus for another school.
- Students who drive and receive an excessive amount of tardies may have their parking privileges revoked for a specific time period or permanently.
- If a parking permit is revoked, the student/parent will not receive a refund.
- The Principal and/or designee reserve the right to refuse a parking permit to any motor vehicle deemed unsafe.
- **Traffic violation committed on school property resulting in a citation issued by any or Law Enforcement Officer, will result in automatic suspension of driving privileges.**

8.9.b Violations The determination to revoke or suspend a student's parking permit shall be at the discretion of the Principal.

Violations include:

- Conviction of a traffic offense involving unsafe or reckless driving, driving under the influence or driving on a suspended or revoked license.
- Revocation or suspension of the student's driver's license.
- Conviction of any criminal offense under federal or state law.
- Vehicle was used in connection with a crime involving the student.
- Improper display or location of parking permit.
- Removing the vehicle from campus prior to the end of the school day without written permission from the Principal.
- Permitting another person to operate the vehicle on campus.
- Operating or parking the vehicle in a reckless, careless, unlawful or inconsiderate manner.
- Occupying, sitting on or in the vehicle during the school day.
- Parking permits shall not be transferred — the permit shall not be affixed to or used for another vehicle.
- Parking the vehicle in an area not designated for student parking.
- Violations of the Student Code of Acceptable Behavior and Conduct.
- Revocation of a parking permit shall be for the remainder of the school year.

8.9.c Reinstatement The determination to reinstate a student's parking permit shall be at the sole and exclusive discretion of the Principal. The student shall initiate reinstatement of a revoked student parking permit in writing.

8.9.d Driving Permits and Excessive Tardiness Students who drive to school and are tardy to school more than three (5) times in a semester will lose their parking privileges for 5 school days. A student who continues to drive after suspension of driving privileges is subject to having the vehicle towed at the owner's expense.

8.10 TOBACCO-FREE POLICY

It is the policy of the Clay County Board of Education that all schools will have a smoke free and tobacco free learning and working environment. This includes electronic cigarettes/vapor/e-cigarettes.

8.11 DRESS CODE

Attractiveness is exemplified by personal cleanliness, good posture, a pleasing voice, excellent manners and appropriate dress. Students are to come to school clean and properly dressed. Guidelines have been established which indicate appropriate school attire. Students who come to school improperly dressed or groomed will be required to correct the situation before returning. FRYSC may assist in these situations. Students may wear or display buttons or an insignia as long as the message does not mock, ridicule, demean, or provoke others because of race, national origin, sex, religion, creed, disabling condition, or physical condition; contain obscenities; contain materials of a slanderous, defamatory character; or cause a disruption to the educational process. The discretion of the Principal will be final when determining if clothing is inappropriate.

8.11.a Inappropriate Clothing Some examples of inappropriate clothing include, but are not limited to:

1. Clothing which is excessively tight or exposing (ex. yoga pants)
2. Items of apparel with suggestive or disrespectful meanings
3. Hats or caps (Preschool – 8)
4. Items with a potential for use as a weapon.
5. Clothing which is excessively “baggy”, “sagging”, or extra-large pockets.
6. Hoods should not be worn inside school buildings

8.11.b Dress Code for students in Grades 7-12

Students in the secondary grades are preparing to exit school and enter the workforce. The purpose of this dress code is to begin to teach students correct workplace dress and still allow them individual self-expression. Staff is expected to model appropriate workplace dress at all times. The conditions listed in the Student Code of Acceptable Behavior [Section 8.11 Dress Code] apply, in addition to:

1. The chest, back and midriff section of the body shall be covered by clothes.
2. Undergarments shall not be worn as outer garments or be visible.
3. Pajamas are not to be worn to school.
4. No chains or jewelry that can be dangerous (including spike collars & bracelets) should be worn at school.
5. Piercings can be a safety concern. Only small studs will be permitted for facial piercings.
6. Chains, fangs, spikes and piercing retainers (metal or plastic) are prohibited.
7. No trench coats
8. Any clothing with holes or tears above fingertip length that expose skin or undergarments. Tears and holes above fingertip length should be patched to completely cover the manufactured hole. Naturally occurring holes above fingertip length should be patched completely. No skin or undergarment, regardless of the size

of the tear, should be shown above fingertip length.

9. Leggings, yoga pants and other tight clothing must be accompanied by a top shirt that is long enough to cover the individual's entire buttock area and front side with equal length.
10. No bandanas
11. Nothing (i.e. clothing, jewelry, tattoos, etc.) that is vulgar, drug, alcohol, or gang related, or that is racially or sexually offensive is to be visible on a student at school.
12. Anything related to the dress code not listed above that is deemed to be a distraction to the educational process by the principal may be disallowed.

Exceptions can be made by the Principal to relax the dress code for special occasions (i.e. Homecoming Week)

8.12 EARLY DISMISSAL OF A STUDENT FROM SCHOOL

Parents should be encouraged not to disturb the student's instructional time any more than is absolutely necessary. However, we realize that at times there are valid reasons for early dismissal of a student from school. **Early dismissal from school should be for the following reasons only: emergency, illness, or Doctor's appointment.** Any other early dismissal shall be counted as an unexcused absence. The parent/guardian or designee will be required to sign a dismissal form and provide identification to the principal, school secretary, or the principal's designee in charge of sign outs.

A student release form must be completed each school year listing the people who have permission to pick up your child. The information on this form will include the person's name, relationship to child if any, some valid form of identification, and area of residence.

No student will be released to anyone that is not listed on this form.

Persons picking up a student before the school day is completed will adhere to the following procedures:

- (1) Identify themselves to the principal, school secretary, or the principal's designee in charge of early dismissal. This identification would include social security number or other valid ID such as a driver's license, which is found on the student release form on file in the principal's office.
- (2) Sign a form indicating time of pickup, reason for pickup, and the person's name that is picking up the student.
- (3) Wait for the student in a designated area of the school.

This policy offers the best safety at school for your child and will be strictly followed.

8.13 PARENT REQUESTED MEETINGS WITH CHILD'S TEACHER

Effective use of instructional time is a district priority; therefore, meetings are scheduled in a manner that reduces classroom disruptions. Please contact the teacher or principal to schedule a mutually convenient time. A list of contact information for each school is located on the inside front cover.

8.14 STUDENT-TO-STUDENT BULLYING AND HAZING

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

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

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others. Students who violate this policy shall be subject to appropriate disciplinary action.

As required by KRS 158.156 all employees of the Clay County Board of Education who know or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall report to the principal (oral or written) of the school attended by the victim. Felony offenses in Chapter 508 include assault menacing, wanton endangerment terroristic threatening, criminal abuse and stalking. The principal shall notify the parents, legal guardians, or other persons of the student if a student is involved in an incident reportable under this section. The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight(48) hours of the original report written a report containing: student(s) name(s) and addresses, his or her parents/guardians; students age; nature and extent of the violation; name and addresses of the student allegedly responsible for the violation; and any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section. Due to FERPA regulations, information contained in the student's educational record will not be used in the report. The agency which receives a report is required to investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency. For complete text see Clay County Board of Education Policy 09.422 and KRS 158.156

8.15 SCHOOL SOCIAL WORKER/CHILD ADVOCATE

The Clay County Public School System provides school- based social work services to its students and families. Kelly Hooker and Kayla Holt, School Social Workers, are equipped to address the social and psychological issues that can block academic progress. Services provided include crisis intervention, brokering to prevention programs, linkage to mental health providers, and referrals to community-based services. The goal of the CCPS Social Worker is to give young people a better chance

at succeeding both in and out of the classroom. The school social workers can be contacted at (606) 598-2168.

8.16 TERRORISTIC THREATENING NOTIFICATION

508.078 Terroristic threatening in the second degree.

- (1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:
 - (a) With respect to any scheduled, publicly advertised event open to the public, any place of worship, or any school function, threatens to commit any act likely to result in death or serious physical injury to any person at a scheduled, publicly advertised event open to the public, any person at a place of worship, or any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school-sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons at a scheduled, publicly advertised event open to the public, place of worship, or school does not need to identify a specific person or persons or school in order for a violation of this section to occur;
 - (b) Makes false statements by any means, including by electronic communication, indicating that an act likely to result in death or serious physical injury is occurring or will occur for the purpose of:
 1. Causing evacuation of a school building, school property, or school-sanctioned activity;
 2. Causing cancellation of school classes or school-sanctioned activity; or
 3. Creating fear of death or serious physical injury among students, parents, or school personnel;
 - (c) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or
 - (d) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.
- (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.
- (3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.
- (4) Except as provided in subsection (5) of this section, terroristic threatening in the second degree is a Class D felony.
- (5) Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

8.17 POSSESSION AND USE OF AEROSOL CANS AND FRAGRANT SPRAYS

In order for all students and staff to be safe from possible allergic reactions, aerosol sprays and/or fragrant sprays (i.e. perfume) are not to be brought to school and/or used without adult supervision.

CHAPTER 9: DISTRICT ACCEPTABLE USE POLICY FOR EMPLOYEES, STUDENTS, AND COMMUNITY MEMBERS

9.1 Access to Electronic Media: Clay County Board of Education Policy #08.2323

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner as required by this policy and related procedures, which apply to all parties who use District technology.

9.1.a SAFETY PROCEDURES AND GUIDELINES

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

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

Internet safety measures, which shall apply to all District-owned devices with Internet access or personal devices that are permitted to access the District's network, shall be implemented that effectively address the following:

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

A technology protection measure may be disabled by the Board's designee during use by an adult to enable access for bona fide research or other lawful purpose.

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

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

9.1.b PERMISSION/AGREEMENT FORM

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

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

9.1.c EMPLOYEE USE

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

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

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

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

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

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

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

- b. Observing confidentiality restrictions concerning release of student information under state and federal law.

Staff members are discouraged from creating personal social networking sites to which they invite students to be friends. Employees taking such action do so at their own risk. All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct. The Professional Code of Ethics for Kentucky School Certified Personnel requires certified staff to protect the health, safety, and emotional well-being of students and confidentiality of student information. Conduct in violation of this Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

9.1.d COMMUNITY USE

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

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

9.1.e DISREGARD OF RULES

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

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

9.1.f RESPONSIBILITY FOR DAMAGES

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

9.1.g 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.

9.2 Audit of Use

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system. The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

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

RETENTION OF RECORDS FOR E-RATE PARTICIPANTS

Following initial adoption, this policy and documentation of implementation shall be retained for at least ten (10) years after the last day of service in a particular funding year.

References: KRS 156.675; 47.U.S.C.§ 254; 701 KAR 5:120, 16 KAR 1:020 (Code of Ethics)

47 U.S.C. 254/Children's Internet Protection Act; 45 C.F.R. 54.520 Kentucky Education Technology System (KETS)

Related Policies: 03.1325/03.2325; 03.17/03.27; 08.1353; 08.2322; 09.14; 09.421; 09.422; 09.425; 09.426

9.3 Electronic Mail/Internet

The District offers students, staff, and members of the community access to the District's computer network for electronic mail and Internet. Because access to the Internet may expose users to items that are illegal, defamatory, inaccurate, or offensive, we require all students under the age of eighteen (18) to submit a completed Parent Permission/User Agreement Form to the Principal/designee prior to access/use. All other users will be required to complete and submit a User Agreement Form.

Except in cases involving students who are at least eighteen (18) years of age and have no legal guardian, parents/guardians may request that the school/District:

- Provide access so that the parent may examine the contents of their child(ren)'s email files;
- Terminate their child(ren)'s individual email account and/or Internet access; and
- Provide alternative activities for their child(ren) that do not require Internet access.

In addition, parents wanting to challenge information accessed via the District's technology resources should refer to Policy 08.2322/Review of Instructional Materials and any related procedures.

GENERAL STANDARDS FOR USERS

Standards for users shall be included in the District's handbooks or other documents, which shall include specific guidelines for student, staff, and community member access to and use of electronic resources.

Access is a privilege—not a right. Users are responsible for good behavior on school computer networks. Independent access to network service is given to individuals who agree to act in a responsible manner. Users are required to comply with District standards and to honor the access/usage agreements they have signed. Beyond clarification of user standards, the District is not responsible for restricting, monitoring, or controlling the communications of individuals utilizing the network independently.

The network is provided for users to conduct research and to communicate with others. Within reason, freedom of speech and access to information will be honored. During school hours, teachers of younger children will guide their students to appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with information sources such as television, telephones, movies, radio, and other media that may carry/broadcast information.

NO PRIVACY GUARANTEE

The Superintendent/designee has the right to access information stored in any user directory, on the current user screen, or in electronic mail. S/he may review files and communications to maintain system integrity and ensure that individuals are using the system responsibly. Users should not expect files stored on District servers or on District provided or sponsored technology services, to be private.

RULES AND REGULATIONS

Violations of the Acceptable Use Policy include, but are not limited to, the following:

1. Violating State and Federal legal requirements addressing student and employee rights to privacy, including unauthorized disclosure, use and dissemination of personal information.
2. Sending or displaying offensive messages or pictures, including those that involve:
 - Profanity or obscenity; or
 - Harassing or intimidating communications.
3. Damaging computer systems, computer networks, or school/District websites.
4. Violating copyright laws, including illegal copying of commercial software and/or other protected material.
5. Using another user's password, "hacking" or gaining unauthorized access to computers or computer systems, or attempting to gain such unauthorized access.
6. Trespassing in another user's folder, work, or files.
7. Intentionally wasting limited resources, including downloading of freeware or shareware programs.
8. Using the network for commercial purposes, financial gain or any illegal activity.
9. Using technology resources to bully, threaten or attack a staff member or student or to access and/or set up unauthorized blogs and online journals, including, but not limited to MySpace.com, Facebook.com or Xanga.com.

Additional rules and regulations may be found in District handbooks and/or other documents. Violations of these rules and regulations may result in loss of access/usage as well as other disciplinary or legal action.

Related Policies and Procedures: 08.2322 09.14

9.4 TELECOMMUNICATION DEVICES

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, **high school** students shall be permitted to possess and use personal telecommunications devices as defined by law¹ and other related electronic devices, provided they observe the following conditions:

1. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that:
 - a. Poses a threat to academic integrity, such as cheating;
 - b. Violates confidentiality or privacy rights of another individual: **This includes, but is not limited to, taking photographs, video, or audio recordings of others without the permission of the Principal/designee and the affected individual(s).** An exception may be **made** for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena;
 - c. Is profane, indecent, or obscene;
 - d. Constitutes or promotes illegal activity or activity in violation of school rules; or
 - e. Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.

These restrictions shall not be interpreted to prohibit material protected under the state or federal constitutions where such material does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

2. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned on and operated only before and after the regular school day, and during the student's lunch and breaks.
3. When students violate prohibitions of this policy, or the Bring Your Own Device program, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to their parent/guardian. A violation also may result in a report being made to law enforcement. In addition, an administrator may confiscate the device, which shall only be returned to the student's parent/guardian.
4. Students are responsible for keeping up with devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property.
5. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.
6. Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the District's Acceptable Use policy or procedures, the Bring Your Own Device program, or its Code of Acceptable Behavior and Discipline.
7. Unless approved by the Principal for extra-curricular activities, elementary and middle school students while on school property or while attending school-sponsored or school-

related activities, whether on or off school property, shall not be permitted to possess a telecommunication device, as defined by law¹. This prohibition shall not apply to any student spectators attending events after school hours.

9.5 LASER POINTERS

No student shall possess a laser pointer device while on school property or while attending a school sponsored or school-related activity. An administrator may confiscate the device, which shall only be returned to the student's parent/guardian.

REFERENCE: ¹KRS 158.165 RELATED POLICIES: 08.2323; 09.436

9.6 BRING YOUR OWN DEVICE (BYOD)

Students and parents shall review this procedure and related policies and procedure before students can utilize their personally owned devices in any Clay County Public Schools. The District reserves the right to restrict student use of personally owned devices on school property and at school-sponsored events.

DEFINITION

For purposes of BYOD, personally owned technology devices are those owned by a student, staff member, parent or community member with wireless network capability. Approved devices include, but are not limited to: smartphones, iPads, iPods, laptops, netbooks, tablets and eReaders.

TERMS AND CONDITIONS

A student enrolled at Clay County High School may not utilize the *Clay Wireless* network on a personally owned mobile technology device unless the student has a medical device or 504 Plan requiring a device, then they must follow the below regulations:

1. Completed the *Clay County High School BYOD Course*;
2. Returned a parent/guardian signed BYOD Acceptable Use Agreement; and
3. Agreed to adhere to the use of the device according to the terms and conditions of Clay County Board of Education Electronic Acceptable Use Policy (AUP); and
4. Received approval by the Clay County High Administration and Clay County IT Department to join the *Clay Wireless* network.

LIABILITY/SECURITY/DAMAGES

Responsibility to keep privately owned devices secure rests with the individual owner. Clay County School District is NOT liable for any device stolen or damaged at school. If a device is stolen or damaged, it will be handled through administrative procedures in the same manner as other personal property. Clay County IT department will not service or repair any device NOT belonging to Clay County Board of Education

EXPECTATIONS FOR TECHNOLOGY DEVICES

1. All internet access for BYOD shall occur on the District's wireless network. All Internet traffic goes through the District proxy or filtering system that meets requirements of Kentucky Administrative Regulations and will be monitored and tracked.
Cellular access using Internet Service Provider data plans is strictly prohibited during instructional hours.
2. Students shall not use the audio, video, or image capture capability (pictures) for ANY reason during instructional hours.

3. Students shall not call, send a text message, email, or electronically communicate with others, including but not limited to, other students, parents, guardians, friends, or family members, from their personal device during instructional hours.
4. The personally owned electronic device owner is the only person allowed to use the device. No students shall share passwords or other personal logon information.
5. Clay County IT Department reserves the right to remove any personally owned device at any time from the network if there are reasonable grounds to believe the device has been used in violation of Board policy or procedure, the Acceptable Use Policy or procedure, the Student Code of Conduct or poses a security threat to the network.
6. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, personally owned technology devices may only be used “unsupervised” before/after school and during lunch and breaks. Students may not charge their personally owned device at school. These devices must remain off and in the student’s book bags during class time UNLESS the teacher has asked for them to be used for instructional purposes.
7. Students shall not use electronic devices at any time or place for the following:
 - a. activities which disrupt the educational environment;
 - b. illegal activities in violation of state or federal laws or regulations;
 - c. unethical activities, such as cheating on assignments or tests;
 - d. immoral or inappropriate activities, including but not limited to inappropriate text messaging; activities in violation of the Acceptable Use Policy, Student Code of Conduct, or Board policy or procedure;
 - e. activities which threaten, humiliate, harass, or intimidate others; or
 - f. activities which invade the privacy of others.

Such student misuses in violation of the above standards will be subject the student to appropriate disciplinary action up to but not limited to, suspension and expulsion from school.

8. Taking, disseminating, transferring, or sharing of obscene, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting or emailing, etc.) may constitute a crime under state and/or federal law. A student taking, in possession of or displaying lewd or otherwise illegal images or photographs will be subject to the disciplinary procedures of the District; and may be reported to law enforcement or other appropriate state or federal agencies, which may result in arrest, criminal prosecution
9. Electronic devices used in violation of this policy or not registered for use may be confiscated by school personnel and returned to the parent/guardian. If an electronic device is confiscated, it shall be taken to the school’s main office, placed in a secure area, and then returned to the student’s parent/guardian. A violation also may result in a report being made to law enforcement.
10. When students violate prohibitions of Board policy or rules governing the use of BYOD, they shall be subject to disciplinary action, including but not limited to the loss or restriction of the privilege of bringing or using the personal device on school property during the school day.

11. Under the provisions of the BYOD program, parents who choose to allow students to use their own technology and students who bring personal technology to school do so know that it will diminish their expectation of privacy regarding their personal electronic device while at school. No pupil's personal effects (e.g., handbags, backpacks, electronic device, etc.) shall be searched by authorized school personnel (Superintendent, Tech person, Principal, or designee) unless there are reasonable grounds to believe the search will reveal evidence that the pupil has violated or is violating either a school rule or the law. The Superintendent/designee has the right to access information stored in any user directory, on the current user screen, or in electronic mail. S/he may review files and communications to maintain system integrity and ensure that individuals are using the system responsibly. Users should not expect files stored on District servers or on District provided or sponsored technology services, to be private.

School Name

Student / Parent Equipment Use Agreement

School Name is excited to provide the opportunity for our students to take home a Chromebook for learning. A checkout form is attached outlining the cost if damaged, stolen, or lost. Students must follow the Clay County Public Schools Acceptable Use Policy. The policy can be found in The Student Code of Conduct Handbook that was given to all parents at the beginning of each school. A copy of the handbook can be viewed on the district's web page at www.clay.kyschools.us under Forms and Links. Each student has a signed Acceptable Use Policy on file that has been signed by the parent when they enrolled the student in school.

Student Code of Conduct

1. Electronic files sent, received, viewed or stored anywhere in the computer system are available for review by any authorized *School Name* staff for any purpose.
2. Modifying or changing device settings and /or internal or external configurations without appropriate permission is prohibited.
3. Personal information such as, but not limited to, last name, home address, phone numbers, email addresses, or birthdates must not be placed on device or shared online.
4. Using obscene, threatening or disrespectful language in any electronic communication tool is prohibited.
5. **Disclaimer**, While Clay County Public School uses technology protection measures to limit access to material considered harmful or inappropriate to students, it may not be possible for the District to absolutely prevent such access. Despite our best efforts and beyond the limits of filtering technology, a student may run across some material that is objectionable.

Responsible Use and Care

1. The device is to be treated as a valuable object. It should not be thrown, purposely dropped, or abused.
2. The device will not be used in or near proximity of water, household chemicals, or other liquids that could damage its electronic components.
3. The device will be protected from the environment to prevent rain, snow, ice, excessive heat, and/or cold.
4. Pencils, pen tips, and other pointed objects will never be used on the screen.
5. The device will be kept away from siblings and pets at all times.
6. Parents and students agree to return the device and all components to the school in the same condition the device was issued to the student.

Chromebook Electronic Management / Privacy Notice

1. The Chromebook is managed by Clay County Public Schools through G Suite for Education.
2. G Suite for Education tracks usage and location of the Chromebook.

TECHNOLOGY INFORMATION SHEET FOR PARENTS/STUDENTS

School Name:

Student Name:

Every Clay County Public School student has a school email address. The students email address is the username and password listed below, they will use the email address to login to everything but Odysseyware.

- The username and password for Odysseyware is different and is listed below.
- If the student is using their own device instead of one provided by the school they will need to make sure they sign out of any personal email accounts they may be using in their web browsers for other applications. Web browsers automatically remember email addresses and this can cause the students to have problems signing into the school applications.

To use and check email or login to Google Classroom or Google Meets:

Student Username:

Student Password:

Each student has a Microsoft Office online account that they can use. This is how the students will check their school email.

- Open a web browser and type in <https://www.office.com/> The login page will open.
- They will sign in with the student username and password above.
- If prompted for account type, select work and school account, not personal.
- Once they get logged in click on the Outlook icon and it will open their email.

To use Google:

- Some teachers and students will be using Google classroom in addition to Odysseyware.
- To login to Google classroom open a web browser and type in www.classroom.google.com in the address bar.
-
- The student will login with their username and password from above.

Video Chat:

- Some teachers and students will be using video meetings. The teacher will send the student the meeting link in the student's school email or post the link on the student's Google classroom page. The student will click the link and the video meeting will automatically start.

To use Odysseyware:

Student Username:

Student Password:

- Clay County Public Schools will be using the online Odysseyware software for our virtual learning platform. Odysseyware recommends using Chrome or Firefox web browsers.
- Students in grades 7 thru 12 will open a web browser and enter <https://clayky.owschools.com/> in the address bar.
- Students in grades Kindergarten thru 6 will open a web browser and enter <https://clayky2.owschools.com/> in the address bar.

CHAPTER 10: TITLE I PARENT AND FAMILY ENGAGEMENT POLICY

It is the policy of the Clay County Board of Education to provide frequent and convenient opportunities for ongoing involvement, evaluation and design of educational programs. This policy will be distributed to all parents and all students participating in the Title I program.

The Title I program shall be supplemental and integrated into the curriculum to meet student needs, as well as working toward achieving the goals identified in the Consolidated Plan of the Clay County Public Schools. These goals and standards shall be shared with parents in a manner that will enable them to participate in decisions concerning their child's education and to monitor and improve the educational achievement of the child.

10.1 SUPPORT FOR PROGRAM: If the Clay County District's Title I allocation is \$500,000 or more, the Clay County district shall reserve one percent (1%) of its allocation for the purpose of promoting parental involvement. Parents of participating students shall help with funding decisions as part of the Site Base Decision-Making Process.

The Clay County district will provide coordination, technical assistance, and other support necessary to assist school in planning and implementing effective parent involvement activities. These measures may include, but shall not be limited to, the following:

- ❑ Designation of resources to assist in communicating with parents, implementing home visits, encouraging them to use available parent resource centers and working with them to improve parenting skills, particularly those that will assist them in working with their child to improve his/her educational achievements. Resources may include individuals, agencies, materials, and services.
- ❑ Sharing options for coordinating and integrating Title I strategies with services of other community programs, businesses, and agencies.
- ❑ Identification of ways in which parents can be involved in staff training activities to demonstrate the values of parent involvement and various techniques designed to successfully engage parents as equal partners in their child's education.
- ❑ Designing and conducting an effective annual evaluation process whereby parents can share their ideas about the content and effectiveness of this policy and the plan designed to implement it. The process shall focus on the following questions:
 - ❑ Does this policy increase parent participation? What barrier to parent participation still exist and how can they be reduced or removed?
 - ❑ In the design of activities and materials designed for parents, particular attention shall be given to reaching and involving those who are economically disadvantaged are disabled, have limited literacy, or are of any racial or ethnic minority background.

10.2 SCHOOL POLICY

Each school shall submit to the SBDM Council its Title I School Parent Involvement Policy, which shall meet all legal requirements. This policy shall be developed jointly with and distributed by the school to parents of participating students.

A copy of each school's parent involvement policy and the School-Parent Compact shall be kept on file in the Central Office.

Clay County Board of Education

William Sexton, *Superintendent*

128 Richmond Road
Manchester, KY 40962

Phone: (606) 598-2168 Fax: (606) 598-7829

"Preparing the hearts and minds of every student for a successful and attainable future."

**Director of Pupil
Personnel**
Jeff Woods

August 1, 2022

**Instructional
Supervisors**
Jamie Mills
Renee Smith

Dear Parent or Guardian:

**Director of Special
Education**
Alene Stivers

The educators in Clay County Public Schools are committed to providing a quality instructional program for your child. This letter is just one of the ways of keeping you informed of the educational commitment of our schools and our district.

Director of Finance
Kristi Curry

Our district receives federal funds for Title I, Part A programs as a part of the Every Student Succeeds Act (ESSA). Under ESSA, you have the right to request information regarding the professional qualifications of your child's teacher(s). If you request this information, the district will provide you with the following:

**School Food
Supervisor**
Melinda Nicholson

**Transportation
Director**
Paul Hughes

1. Whether the teacher has met the state requirements for licensure and certification for the grade levels and subject matters in which the teacher provides instruction;
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree; and
4. Whether your child is provided services by paraeducators, and if so, their qualifications.

Board Members:

Chair:
Mark Hoskins

Vice Chair:
Roy G. Allen

Members:
Robin Combs
Leewood Cornett
Anthony Lovett

Board Attorney:
Sharon K. Allen Gay

If you would like to request this information, please contact Jamie Mills by phone at (606)598-2168 or by email at Jamie.mills@clay.kyschools.us. Please include your child's name, the name of the school your child attends, the names of your child's teacher(s) and an address or email address where the information may be sent. Thank you for your interest and involvement in your child's education. Reviewed and updated June/July 2022.

Sincerely,

Jamie Mills
Instructional Supervisor
Title I Coordinator

Clay County Board of Education

William Sexton, *Superintendent*

128 Richmond Road

Manchester, KY 40962

Phone: (606) 598-2168 Fax: (606) 598-7829

August 1, 2022

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Board Members:

Chair:

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Vice Chair:

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Members:

Robin Combs

Leewood Cornett

Anthony Lovett

Board Attorney:

Sharon K. Allen Gay

Dear Parent or Guardian:

Sections 1112(e)(2)(A)-(B) of the Every Student Succeeds Act (ESSA) requires the following regarding testing transparency.

(2) TESTING TRANSPARENCY.—

(A) IN GENERAL. – At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by section 1111(b)(2) and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.

(B) ADDITIONAL INFORMATION. – Subject to subparagraph (C), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency’s website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—

- the subject matter assessed;
- the purpose for which the assessment is designed and used;
- the source of the requirement for the assessment; and
- where such information is available—(I) the amount of time students will spend taking the assessment, and the schedule for the assessment; and (II) the time and format for disseminating results.

Information about these requirements can be found on the Kentucky Department of Education’s Assessments webpage (<https://education.ky.gov/AA/Assessments/Pages/default.aspx>). For further questions or to obtain a hard copy of this material please direct your inquiry to Renee Smith, the District Assessment Coordinator.

Sincerely,

Jamie Mills,

Title I, II, III, IV, V Coordinator