

DISCIPLINE CODE

Introduction

This code shall be mandatory and enforced in a fair and equitable manner without regard for race, gender, or disability at Boyd County Middle School, at all school-related events, and in all phases of pupil transportation to and from school and for school-related trips.

This code shall be furnished to every Principal, faculty member, and student. It is the responsibility of all students and staff personnel to become familiar with this code.

THE DISCIPLINE PROCESS

A. Teacher's Disciplinary Actions

The teacher has the following responsibilities:

1. To stop behavior that interferes with the educational process
2. To preserve the rights of others
3. To help students improve their self-discipline

A teacher is responsible for utilizing, as appropriate, the following measures to maintain discipline:

1. Give a verbal reprimand
2. Notify the parent/guardian as necessary
3. Require a student-teacher conference
4. Submit behavior referral
5. Send student to office to see Administrator for appropriate action

B. Disciplinary Referral Procedure – Detention

1. Detention assignments will be made in Infinite Campus by Administration.
2. Teachers should address all classroom infractions. Only those problems with students beyond teacher's control are to be sent by the teacher to an administrator's office.
3. Students sent to the office will be assigned consequences accordingly.
4. All detentions assigned will be served. Any discipline notice not returned the next day results in an additional day of the detention assigned on the first notice. A student is to serve detention on the date it is assigned. Under extenuating circumstances, to be determined by an administrator, a parent/guardian will be allowed one additional day to arrange transportation.

LUNCH DETENTION

Students assigned lunch detention will go to lunch first, before the rest of their grade. Students will get a lunch tray and proceed to lunch detention where they will stay for the entire length of their grade's lunch time. Students will be given time to eat their lunch in an isolated environment. Failure to report to Lunch Detention will result in the student being placed in after school detention.

AFTER SCHOOL DETENTION

After School Detention will be held after school until 4:30 in a designated teacher's classroom depending on the day of the week, students and parent/guardian will be notified one-two day(s) before the student is to serve detention. Failure to attend After School Detention will result in additional days of After School Detention. Students are not excused from participation in After School Detention because of school activities.

OUT-OF-SCHOOL SUSPENSION

Students who are suspended out of school will be under the complete jurisdiction of their parent/guardians. *ALL missed work is expected to be completed in order to ensure mastery of content.*

The Principal or Assistant Principal may suspend a pupil up to Five (5) days per incident. The Superintendent may suspend a pupil up to ten (10) days per incident. Due process procedures will be followed before suspension unless immediate suspension is essential to protect person or property or avoid disruption of the educational process.

The chain of appeal is as follows: Appeals Committee, Site Based Decision Making Council, Superintendent Designee, the Superintendent, and the Board of Education. (The Appeals Committee will consist of three (3) teachers and will not include any teacher that the student currently has as a teacher at the time of the appeal.) A refusal of discipline by a parent/guardian that involves a detention, or a Friday School assignment by an administrator will result in an out-of-school suspension. Since the parent/guardian is making a choice of an out-of-school suspension instead of the punishment given, the resulting out-of-school suspension is not subject to an appeal by the parent/guardian.

EXPULSION

The Boyd County Board of Education may expel any pupil for misconduct as defined in subsection (1), KRS 158.150. Action to expel a pupil shall not be taken until the parent/guardian of the pupil has had an opportunity for a hearing before the Board. The Board's decision shall be final. To comply with the existing requirements of the Individuals with Disabilities Act (IDEA) & Section 504 regarding discipline of students with disabilities, the Boyd County Board of Education will modify the expulsion requirements, on a case-by-case basis, for IDEA & Section 504-eligible students. IDEA & Section 504-eligible students may be expelled for behavior unrelated to their disabilities as long as the procedural safeguards required by IDEA & Section 504 and KRS 158.150 are followed.

CRIMINAL VIOLATIONS

Notification of law enforcement may occur upon criminal violation of this code. Students may be charged with criminal violations of local, state, or federal ordinances/statutes/laws if violations of this code fall under the appropriate jurisdiction. Prosecution and adjudication of criminal violations shall occur separately from administration of school procedures.

USE OF REASONABLE FORCE BY STAFF

School personnel may use **REASONABLE** physical force to restrain a student whenever immediate action is essential for self-defense, preservation of order, or protection of other persons or property. (See KRS 161.180 and 503.110).

No student, parent/guardian, faculty, staff or any member of the general public shall be denied equal educational or employment opportunity by the Boyd County Board of Education because of his or her age, color, handicap, parental status, marital status, national origin, race, religion or sex.

Designated Section 504 contact person:

Mrs. Dara'Su Stevens-Williams
Boyd County Board of Education
Heritage Center Office
12307 Midland Trail
Ashland, KY 41102
Phone: (606) 928-1160

Designated Title IX contact person:

Matt Spade
Boyd County Board of Education
1104 Bob McCullough Drive
Ashland, KY 41102
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BCMS INFRACTIONS/CONSEQUENCES

The following is a list of infractions and the recommended consequences for each infraction. This is not a comprehensive listing. The **Boyd County Board of Education and the administration of Boyd County Middle School shall reserve the right to administer corrective measures for other offenses that might occur. Consequences may also be altered at the discretion of an administrator.**

General Guidelines
All staff members have the same authority to discipline students in any area of the building, on the campus and at school functions as they would in the classroom. Students are to comply with the requests of the staff as they relate to student conduct, classroom work and safety. Students will be disciplined in compliance with the Boyd County Middle School Code of Conduct.
Due Process
A pupil shall not be suspended from school until after at least the following due process procedures have been provided: <ol style="list-style-type: none">a. The pupil has been given oral and written notice of the charge or charges against him/her which constitute cause for suspension:b. The pupil has been given an explanation of the charge or charges if the pupil denies them: andc. The pupil has been given an opportunity to present his/her own version of the facts relating to the charge or charges. These due process procedures shall precede any suspension from the common school unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases the due process procedures outlined above shall follow the suspension as soon as practicable but no later than three days after the suspension. <i>Any action under this section related to students with disabilities shall be in compliance with applicable federal law.</i>
FERPA
In compliance with the Family Right to Privacy Act, individual disciplinary actions are confidential and student records may be discussed only with a lawful, responsible adult supervisor. In cases involving students with disabilities, the procedures mandated by federal and state law will be followed.
Search
Although students have the right to freedom from unreasonable search and seizure, school officials have the right, under the law, to search students or their property whenever there is a reasonable suspicion they have something which violates school rules or endangers others. Students may be searched to maintain the ongoing educational process, maintain order, and/or protect people and property. Searches may include the student and his or her locker, desk, automobile, or personal belongings. A personal search includes a search of a student's accessories (purse, wallet, backpack, personal device, notebooks, gym bag, etc.) and/or outer garments (pants/skirt pockets, shirt/blouse pockets, pant legs, socks, shoes, jacket pockets, waistband, etc.) that would not require disrobing.
Behavior Expectations and Procedure
All resolutions to behavioral events at Boyd County Middle School will be assigned according to school/county policies. The discipline code covers all school functions (on and off school grounds), and traveling to and from school or a school activity, function or event. The following charts outline levels of infractions, definitions of behaviors, and basic administrative responses to common incidences.

Level 1 Mild Infractions

This is the lowest level. A teacher or staff member in charge handles these behaviors. These behaviors are usually not referred to the office unless they are excessive in terms of damage, loss, disruption, frequency or injury, whereupon they become Level 2 events. Three card marks of any kind will result in one day of after school detention. Written up in Infinite Campus as 3rd Classroom Disruption (N08C).

Behavior Definitions & Consequences

Classroom Disruption - Low intensity, but inappropriate disruption correctable by unobtrusive classroom strategies.

- First Infraction: Warning by classroom teacher.
- Second Infraction: Card mark documented by classroom teacher.
- Third Infraction: See Level 2 Infractions “Classroom Disruption.”

Damaging Property - writing on desks, books, etc.

- First Infraction: Card mark documented by classroom teacher.
- Second Infraction: See Level 2 Infractions “Damaging Property”

Dress Code Violation - The wearing of any attire, cosmetics, presentation of extraordinary personal appearance, or any unsanitary body conditions which in the judgment of BCMS Administration, significantly disrupts school work, interrupts scholastic endeavors, or threatens the health of other pupils is prohibited (09.427)

- No garment with excessive exposure is permitted.
- All shorts, skirts, dresses, and any holes present must not be above mid-thigh. This includes the shortest part of the garment.
- All shorts, skirts, skorts, and dresses must cover undergarments and backside during all bodily movements.
- All shirts must cover the belly, sides, back, and undergarments in all situations. All shirts must have a sleeve or strap of some kind.
- Shoes must be worn at all times.
- Face must be seen at all times.
- Clothing that promotes or symbolizes hate, discrimination, illegal activity, profanity, violence, drugs/alcohol or threatens health and safety are not permitted.
- Any other clothing or item worn that causes a distraction can be requested to be removed or changed (Ex: long coats, gloves, etc.)

**This dress code will be enforced on all school-related trips and at all school-related functions UNLESS a special event dress code is sent home.

- First Infraction: Warning documented on Infinite Campus. Change of clothing from home (or FRYSC)
- Second/Third Infraction: See Level 2 Infractions “Dress Code Violation”

Homework Concerns - Failure to turn in assignments complete, if at all. Upon completion students must earn a minimum of 60% score. However, students who accumulate 3 zeros:

- First Infraction: card mark documented by classroom teacher, referral to participate in BCMS Intervention, and parent/guardian contacted by teacher.
- Second Consequence: See Level 2 Infraction “Insubordination/Disrespect.”

Litter - Improperly disposing of materials inside or outside of the school building

- First Infraction: Warning by classroom teacher.
- Second Infraction: Card mark documented by BCMS Staff.

Non-Direct Profanity – The use of profanity casually, not directed to any person in particular

- Each Infraction: Card mark documented by team teacher.

Off-Task

- First Infraction: Warning by classroom teacher.
- Second Infraction: Card mark documented by classroom teacher.

Physical Contact (Horseplay) - Non-serious, but unnecessary physical contact; not in anger

- First Infraction: Warning by classroom teacher.
- Second Infraction: Card mark documented by classroom teacher.

Running in the Halls

- First Infraction: Warning by BCMS staff.
- Second Infraction: Card mark documented by BCMS staff.

Sleeping

- First Infraction: Warning by classroom teacher.
- Second Infraction: Card mark documented and contact to parent/guardian by classroom teacher.
- Third Infraction: See Infraction Level 2 “Sleeping”

Tardy to Class – A student is late to class without proper documentation. Tardies will be kept by the classroom teacher for each nine-week grading period.

- First Infraction: Warning by classroom teacher.
- Second Infraction: Cardmark documented by classroom teacher.
- Third Infraction: See Infraction Level 2 “Tardy to Class”

Throwing objects

- First Infraction: Warning by classroom teacher.
- Second Infraction: Card mark documented by classroom teacher.

Unauthorized Sales – The selling and distribution of any product not sanctioned or endorsed by the school.

- First infraction: Card mark, Confiscation, product returned to parent/guardian
- Second infraction: See Level 2 “Unauthorized Sales”

Level 2 Moderate Infractions

These are moderate behaviors, but nonetheless cannot go unchecked. These behaviors are referred to the office for administrative action. Repeat behaviors will result in increasing penalties and may be handled as Level 3 Infractions. Behaviors that are excessive in terms of damage, loss, disruption or injury become Level 3 events.

Behavior Definitions & Consequences

Bus Disruption (N04)– Any minor disruption for which a student is referred to a Principal with a bus conduct report (consequences will be different from those listed for a major disruption/safety issues reported on a bus conduct report)

- First Infraction: One day of After School detention, parent/guardian contact
- Second Infraction: Two days of After School detention, parent/guardian contact
- Third Infraction: Two days bus suspension, parent/ guardian contact
- Fourth Infraction: Four days bus suspension with a parent/guardian conference
- Fifth/Sixth Infraction: See Level 3 infractions “Bus Disruption”

Cheating/ Plagiarism (N01) – Whether receiving or knowingly giving information during an examination or on certain assignments, the offense is the same. Students claim other’s academic work as their own.

- Each Infraction: At discretion of the teacher, a zero on the particular assignment or One day of after school detention and opportunity to complete the assignment.

Classroom Disruption (N08c) – Low intensity, but inappropriate disruption correctable by unobtrusive classroom strategies.

- Third Infraction: One day after school detention and contact with parent/guardian.
- Fourth Infraction: One to Three days after school detention and contact with parent/guardian.

Computer Trespassing (N01A)– An offense is considered as any violation of the Technology Acceptable Use Policy. (Refer to District Code of Conduct).

- First Infraction: One day of after school detention, Possible loss of computer privileges for a period of time to be determined by the administrator, parent/guardian contact
- Second Infraction: Two days of after school detention, Possible loss of computer privileges for a period of time to be determined by the administrator, parent/guardian contact

Damaging Property (N06) - writing on desks, books, etc.

- Second Infraction: One to Three days after school detention and parent/guardian contact

Insubordination (N19) – Any act or behavior in which the student willfully defies the lawful authority or reasonable directive of school personnel.

- First infraction: One day of after school detention, parent/guardian contact or conference
- Second infraction: One day of after school detention, referral to school counselors
- Third Infraction: Two days of after school detention and parent/guardian contact
- Fourth Infraction: One day of out-of-school suspension and parent/ guardian contact

Disorderly Conduct/Language (N07) – Conduct and/or behavior which is destructive to the orderly educational procedure of the school; directed verbal/written messages that include swearing, name calling, use of words in an inappropriate way and/or use of obscene gestures.

- First Infraction: One to Three days of lunch detention and parent/guardian contact
- Second Infraction: Three to Five days of after school detention and parent/guardian contact

Dress Code Violation (N10)- The wearing of any attire, cosmetics, presentation of extraordinary personal appearance, or any unsanitary body conditions which in the judgment of BCMS Administration, significantly disrupts school work, interrupts scholastic endeavors, or threatens the health of other pupils is prohibited (09.427)

- Second Infraction: One day of lunch detention and parent/guardian contact
- Third Infraction: Two days of after school detention and parent/guardian contact

Electronic Devices (N35) – Cell phones and other electronic devices, including smart watches, may be used before and after school hours. During school, all cell phones, smart watches, tablets, airpods/bluetooth speakers or gaming devices should be left in the student’s locker. Students will be in violation when found using electronic devices between tardy and dismissal bells. The use of personal devices, such as cell phones, is a privilege not a right, and that privilege can be revoked for various offenses.

- First Infraction: The device will be confiscated and will be released to the student at the end of the school day, a written warning will be documented in Infinite Campus and sent home
- Second Infraction: One day of after school detention, the device will be confiscated and will be released to the student at the end of the school day, and parent/guardian contact

- Third Infraction: Two days of after school detention, the device will be confiscated and will be released to the parent/guardian at the end of the school day
- Fourth Infraction: Two days of after school detention, the device will be confiscated and will be released to the parent/guardian at the end of the school day, and Student may not be allowed to bring the device back to school

Inappropriate Contact (N08) - Any intentional physical contact, be it sexual/non-sexual towards any student.

- First Infraction: One to Three days after school detention, parent/guardian contact
- Second Infraction: Three to Five days after school detention, parents/guardian contact, counselor referral
- Third Infraction: One day of out-of-school suspension and parent/guardian contact

Public Display of Affection (N36)– Public display of affection between two or more students to include but not limited to; kissing, hugging, hand holding, etc.

- First Infraction - One day of after school detention and parent/guardian contact
- Second Infraction - Two days after school detention and parent/guardian contact

Sleeping (N09B)

- Third Infraction: One to Three days lunch detention and referral to counselor.
- Fourth Infraction: One day after school detention and parent/guardian contact

Tardy to Class (N29)– A Student is late to class without proper documentation.

- Third Infraction: One day lunch detention
- Fourth Infraction: One day of after school detention and parent/guardian contact

Unauthorized Absence/Skipping Class (N27)– Student leaves class without permission, stays out of class without permission, improper sign-in/sign-out or in an area not authorized by school staff.

- First infraction: One day of after school detention and parent/guardian contact
- Second Infraction: Two days of after school detention and parent/guardian contact

Unauthorized Area (N23)– The presence of a student in an unauthorized area (e.g., teacher’s prep room, maintenance/custodial areas, mechanical rooms, parking lots or any area out of class, etc.) without legitimate reason or permission

- First Infraction: One day lunch detention and parent/guardian contact
- Second Infraction: One day after school detention and parent/guardian contact

Unauthorized Sales (N09) – The selling and distribution of any product not sanctioned or endorsed by the school.

- Second infraction: Confiscation, One day of after school detention, Parent/guardian notification, Product returned to parent/guardian.
- Third infraction: Confiscation, Two days after school detention, Confiscated items become the property of the Boyd County Board of Education

Other – Any other minor problem behaviors that do not fall within the above categories.

Level 3 Severe Infractions

This is the category of serious offenses. It includes dangerous, defiant, and highly disruptive behaviors. Lower level acts that continue regardless of the best efforts of previous interventions are handled as Level 3 events. Repeated behaviors at Level 3 may result in suspension and recommendation to the Superintendent for a pre-expulsion hearing.

Aggressive Behavior Toward Board Employee (V05) – Infractions include serious or repeated verbal abuse/harassment/assault/threatening person and/or property (by word or gesture)/sexual harassment (physically).

- First Infraction: Student Threat Assessment Response Team (START) program, three to five days out-of-school suspension (OSS), referral to counselor
 - Possible Five days additional OSS by request from the Superintendent, Anger management counseling, Possible court referral, Possible expulsion request
- Failure to complete counseling program will result in additional suspension days and request for expulsion

Aggressive Behavior/Verbal Threats (H05)– When a student shows or displays or verbalizes aggressive behavior or promoting self-harm toward another student.

- First Infraction: One day after school detention, referral to school counselor, and parent/guardian contact
- Second Infraction: Two days of after school detention and parent/guardian contact

Bus Disruption (N04) – Any minor disruption for which a student is referred to a Principal with a bus conduct report

- Fifth Infraction: Five days bus suspension with a parent/guardian conference
- Sixth Infraction: The sixth bus conduct report will result in suspension of transportation privileges and a parent/guardian conference

Combustibles/Noxious Substance Possession (N05) – Student is in possession of substances/objects readily capable of causing bodily harm and/ or property damage or (e.g., firecrackers, gasoline, lighter fluid, smoke bombs, and irritants etc.).

- First Infraction: One day of after school detention and Contact with Safe Schools Director
- Second Infraction: Two days of after school detention and contact with Safe Schools Director

Computers/Electronic Devices Physical Destruction or Vandalism (N33) – Stealing and/or altering computer parts or accessories; causing a computer or network to “catch” a virus; knowingly and willingly altering a computer configuration and/or authorized files (including both administrative and student files).

- First Infraction: One day of after school detention, restitution, conference with parent/guardian
- Second Infraction: Loss of computer privileges, One day out-of-school suspension, Restitution, Conference with parent/guardian

Hate speech/Communication/Promoting Self-harm–Direct and indirect written or disrespectful messages may include negative comments/symbols based on race, religion, gender, age, and/or national origin; sustained or intense verbal, written, electronic attacks based on ethnic origin, disabilities or other personal matters, including encouraging others to harm themselves.

- First Infraction: One day out-of-school suspension, Call home to set up a parent counselor meeting, and students must complete counselor determined programs on tolerance.
- Second Infraction: Three days out-of-school suspension and meeting with a School Resource officer.
- Third Infraction: See Level 3 “Harassment”

Fighting/Physical Aggression: Student to other (N13) – Actions involving serious physical contact where injury may occur (e.g., hitting, punching, hitting with an object, kicking, hair pulling, scratching, etc.). Disciplinary action could vary depending on level of involvement (e.g. Primary aggressor, participant, etc.). If the primary aggressor cannot be determined, all parties involved may receive consequences as the primary aggressor.

Primary Aggressor	Participant
First Infraction: Dismissal from school for the remainder of the school day (unexcused), Two days out-of-school suspension, Contact with the School Resource Officer or Kentucky State Police/Sheriff’s Department along with the parent/guardian	First Infraction: Dismissal from school for the remainder of the school day (unexcused), one to two days of after school detention, Contact with the School Resource Officer or Kentucky State Police/Sheriff’s Department along with the parent/guardian
Second Infraction: Dismissal from school for the remainder of the school day (unexcused), Three days out-of-school suspension, Possible court referral, Possible expulsion request, Contact with the School Resource Officer or Kentucky State Police/Sheriff’s Department along with the parent/guardian	Second Infraction: Dismissal from school for the remainder of the school day (unexcused), two- three days of after school detention, Possible court referral, Contact with the School Resource Officer or Kentucky State Police/Sheriff’s Department along with the parent/guardian

Forgery/Falsifying Documents (N16) – The act of falsely using the name of another person, or falsifying any documents or correspondence from or to the school.

- First Infraction: One to three days after school detention

Gambling (N18) – Participation in games of chance for the express purpose of exchanging money.

- First Infraction: One to three days of after school detention.

Harassment/Hazing/Bullying – Harassment is intimidation by threats of actual physical violence. Conduct including, but not limited to, the use of language, conduct, or symbols in a manner that is commonly understood to convey hatred, contempt, or prejudice, that is sufficiently severe and or persistent and adversely affects a student’s education or creates a climate of hostility or intimidation for that student; both from the perspective of an objective educator and from the perspective of the student at whom the harassment/bullying is directed. The civil exchange of opinions or debate does not constitute harassment/bullying. Students may not, however, engage in behavior that interferes with the rights of another student or materially and substantially disrupts the educational process.

See School Board Policies 09.42811 (“Harassment”), 09.426 (“Disrupting the Educational Process”), and 09.422 (“Hazing”).

Any accusations that harassment/hazing has occurred at Boyd County Middle School or during Boyd County School activities will be documented in writing by School Administration and/or the Compliance Coordinator. The accused student will be required to participate in an initial conference with a School Administrator and/or Compliance Coordinator, which may be attended by other students involved. The Compliance Coordinator will contact the parent/guardian of all parties involved. Witnesses, if reported, will also be interviewed by the Compliance Coordinator or School Administration. Subsequent to any such conferences or interviews, the Compliance Coordinator will provide a full written report to the School Administration within ten school days of the incident.

The *minimum* consequences for incidents involving harassment/hazing/bullying are as follows:

- First Infraction - One to three days of out-of-school suspension depending on the severity.
- Second Infraction - Three to five days out-of-school suspension, call home to set up a parent counselor meeting, and students must complete counselor determined programs on tolerance. Possible investigation by School Resource Officer.
- Third Infraction - Five days out-of-school suspension, Possible five additional days of out-of-school suspension, if requested by the Superintendent, for incidents deemed “severe” or for a series of incidents, collectively deemed “severe.” call home to set up a parent counselor meeting, and students must complete counselor determined programs on “harassment/bullying”. Possible investigation by School Resource Officer. Court referral may be made depending upon the particular circumstances

Inappropriate Media non-nudity (N34) - The accessing, possessing, and/or distributing of any inappropriate, non-pornographic media on any device such as a cell phone, camera, video camera, mp3 player, etc. Examples include images of drug paraphernalia, weapons, fights, etc.

- First infraction: One to three days of after school detention.
- Second infraction: One to three days of out-of-school suspension.

Instigation (N07)– Encouraging/promoting a situation which leads to disruption of the educational process, (spreading of rumor, encouraging fighting via. filming/texting, fostering conflict, etc.)

- First Infraction: One to three days of after school detention.
- Second Infraction: One to three days out-of-school suspension.

Over the Counter Medication or prescription Distribution (D01) – Distributing over the counter medication to other students.

- First Infraction: Two days of after school detention
- Second Infraction: One day of out-of-school suspension.

Over-the-Counter medication or prescription possession (D02) – The student’s possession and/or use of his/her own prescription or over the counter medications without following proper procedures. The medication will be confiscated and the parent/guardian will be contacted.

- First Infraction: One to three day of after school detention
- Second Infraction: Three- five days of after school detention.

Pornography (N36) – The accessing, possessing, and/or distributing of pornographic material, or images captured on any device.

- First Infraction: One to Five days of after school detention.
- Second Infraction: One to Five days out-of-school suspension.

Removal of Clothing Without Consent – Pulling down another student’s pants, skirt, shorts, etc.

- First Infraction: Two to three days after school detention.
- Second Infraction: One to three days out-of-school suspension.

Search Refusal (N19) – A student in the public common schools has the constitutional right to be secure in his/her person from all unreasonable searches and seizures. A search of a student by school officials is reasonable if it bears a rational relationship to a legitimate educational interest and is based upon reasonable suspicion. All searches will be conducted by the Principal or his/her designee. All searches will be conducted in the presence of a certified faculty member of the school. Lockers, automobiles, personal belongings and persons may be searched.

- Each Infraction: One to Five days out-of-school suspension , parent/guardian will be notified, contact with the School Resource Officer.

Sexual Conduct (N36) – Engagement or simulation of a student in any act of sexual activity while subject to school supervision.

- First Infraction: One to five days out-of-school suspension, Parent/guardian will be notified, Referral to school counselor

Theft (N30)/Possession of Stolen Property (N24) – Taking the property of others (students, faculty, staff, visitors) without their consent; or possession of stolen property; or possession of property without the owner’s consent; or selling of stolen property

- First Infraction: One to three days out-of-school suspension, Restitution, Contact the School Resource Officer, Possible court referral
- Second Infraction: Three to five days of out-of-school suspension, Restitution, contact with School Resource Officer, possible court referral.

Tobacco/Vaping Distribution (T01), Possession (T02), or Use (T03) - Cigarettes, chewing tobacco/snuff, cigars, electronic delivery of tobacco and/or in possession of or using E –cigarettes/Personal Vaporizers/Electronic Nicotine Delivery System or paraphernalia, etc.

- First infraction: One to Five days of after school detention.
- Second infraction: One to Two days out-of-school suspension.
- Third infraction: Three to Five days out of school suspension.

Vandalism/Property Damage (N33) – Students participate in an activity that results in substantial destruction or disfigurement of property.

- 1st degree: (Damage of \$1,000.00 or more): Five days out-of-school suspension. Restitution, Possible court referral
- 2nd degree (\$500.00 - \$999.99): Three days out-of-school suspension, Restitution, Possible court referral
- 3rd degree (damage of \$499.99 or less): One day out-of-school suspension, Restitution, Possible court referral

Other – Behavior causing this referral is not listed above. Staff using this definition will specify the problem behavior observed.

Level 4 Illegal Activities/Criminal Infractions

This is the category of most serious offenses. Level 4 behaviors result in action by law enforcement, referral to Alternative Classroom Setting, charges being filed and/or Ten-day suspension with recommendation to the Superintendent for a pre-expulsion hearing.

Behavior Definitions & Consequences

Alcohol distribution (A01), Possession (A02)), Use or state of being under the influence of alcohol (A03).

- First Infraction: Five days out-of-school suspension , Possible Five days additional out-of-school suspension by request from the Superintendent, Possible court referral, Possible expulsion request, Contact the School Resource Officer, Refer to Pathways for appointment with alcohol intervention program [The student and/or parent/guardian shall have the option of completing an intervention program. If the student and/or parent/guardian select this option, the out-of-school suspension shall be reduced to three school days. Failure to successfully complete the drug intervention program will result in a reinstatement of the original suspension.]

- Second Infraction: Five days out-of-school suspension with mandatory alcohol intervention program, Possible days additional out-of-school suspension by request from the Superintendent, court referral to file Beyond School Control charges, Possible expulsion request, Contact with School Resource Officer.

Arson (V06) – Student plans and/or participates in malicious burning of property.

- First Infraction: Student Threat Assessment Response Team (START) program, Five days out-of-school suspension (OSS), Possible Five additional days OSS by request from the Superintendent, Possible court referral, Possible expulsion request, Contact with the School Resource Officer (SRO)

Assault – Physical attack of one person or a group of persons on another with the intent to injure.

- First Infraction: Five days out-of-school suspension (OSS), Possible five additional days OSS by request from the Superintendent, Contact with the School Resource Officer (SRO), Possible expulsion request, Possible court referral

Combustibles/Noxious Substances Ignition/Use (V17) – Willful ignition of any incendiary device or the use of any noxious substance on the school grounds, within the school building, or in any school vehicle.

- First Infraction: Two-Five days out-of-school suspension, Contact with the School Resource Officer (SRO), Possible court referral, Possible expulsion request, Conference with parent/guardian

Drug Distribution or Trafficking (D01), “look alike” substance possession (D02), paraphernalia possession (N11), Use or state of being under the influence of drugs (D03) – The distribution of a drug, controlled substance or illegal drug substance represented or believed by the student to be a controlled substance or illegal drug, or of a prescription medication. Use, possession or state of being under the influence of any controlled substance, illegal drug or intoxicant of any kind; or of a substance represented or believed by the student to be a controlled substance or illegal drug (diet pills of any type are also considered to be illegal drugs). Student is in possession of paraphernalia related to the use of a controlled substance, an illegal drug.

- First Infraction: Five days out-of-school suspension, Possible five additional days by request from the Superintendent, Automatic filing of Beyond School Control charge, Possible court referral, Possible expulsion request, Contact with the School Resource Officer, Refer to Pathways for appointment with drug intervention program [The student and/or parent/guardian shall have the option of completing a drug intervention program. If the student and/or parent/guardian select this option, the out-of-school suspension shall be reduced to three school days. Failure to successfully complete the drug intervention program will result in a reinstatement of the original suspension.

Emergency Equipment (N09A) – The act of tampering with emergency equipment so as to falsely alert emergency services, or school, to a non-existent emergency and/or tamper with other emergency equipment.

- First Infraction: Five days out-of-school suspension (OSS), Possible Five additional days of OSS by request from the Superintendent, Possible court referral

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Extortion – The solicitation of money or something of value from another student, regardless of the amount/value, in return for protection or in connection with a threat to inflict harm.

- First Infraction: One-Five days of out-of-school suspension, Restitution

Inappropriate Images (Nudity) – The accessing, possessing or distributing of any image captured by a student, on any type of device, of any individual, including themselves, portraying nudity.

- First Infraction: Immediate three days out-of-school suspension (OSS), Contact with Safe Schools Director and School Resource Officer (SRO), Referral to counselor

Inappropriate Sexual Conduct – Conduct of a sexual nature, whether consensual or nonconsensual directed toward student or adult, including sexual harassment.

- First Infraction: Five days out-of-school suspension (OSS), Parent/guardian notified, Contact with the School Resource Officer (SRO)
- Second Infraction: Five days out-of-school suspension (OSS), Possible Five additional days OSS by request from the Superintendent, Possible expulsion request, Referral to school counselor

Sexual Misconduct – A person is guilty of sexual misconduct when she/he subjects another person to sexual contact without the latter's consent (KRS 510.130)

- First Infraction: Five days out-of-school suspension (OSS), Parent/guardian notified, Contact with the School Resource Officer (SRO)
- Second Infraction: Five days out-of-school suspension (OSS), Possible Five additional days OSS by request from the Superintendent, Possible expulsion request, Referral to school counselor

Terroristic Threatening (VI6)– A student is guilty of terroristic threatening when:

- A.) They threaten to commit any act likely to result in death or serious physical injury to another student, student group, or school personnel
 - B.) Threaten to commit any crime likely to result in substantial property damage to another person
 - C.) They intentionally make false statements for the persons of causing the evacuation of a building, place of assembly or facility of public transportation.
- Student Threat Assessment Response Team (START) program
 - Five days out-of-school suspension (OSS)
 - Possible Five additional days of OSS by request from the Superintendent
 - Possible court referral
 - Expulsion request
 - Contact with the School Resource Officer (SRO)
 - Before the student will be allowed to return to school, he/she must be evaluated by a licensed psychiatrist/psychologist and be cleared to return to the school environment.

Weapons – All Boyd County Public Schools are a weapon free area. Weapons are not allowed on campus.

Boyd County Middle School States: For school discipline purposes a weapon can be defined as:

- Any weapon from which a shot, readily capable of producing death or physical injury may be discharged;
- Any knife;
- Chains, connecting wallets to belts/pants, choker chains and dog collars, or other large-like chain or rope;
- Any chemical or spray that might be used aggressively against another student that can cause injury;
- Any instrument that may be used to cause bodily harm.

Kentucky state law states that the crime of unlawful possession of a weapon on school property is for knowingly carrying, bringing, using or possessing any weapons, destructive devices, or booby trap devices in any school sponsored activity is prohibited. Except for law enforcement officials. BCMS specifically prohibits the carrying of concealed weapons on school property.

Weapon Possession/Not to Include Firearms (W01) – The possession of a weapon as defined by Boyd County Board of Education policy 05.48, or the presentation of any item designed to be used or intended for use in causing death or injury to any person, or for the purpose of threatening or intimidating any person.

Consequence

- Student Threat Assessment Team (START) program
- Three to five days out-of-school suspension (OSS)
- Possible five additional days OSS by request from the Superintendent
- The weapon shall be confiscated and returned only to the parent/guardian
- Contact with the school resource officer (SRO)
- Possible court referral

Weapon Possession/Firearm (W01) – The possession of a firearm (loaded or unloaded) on the school premises, either in one’s immediate possession (e.g., in a book bag) or within one’s automobile or locker.

Consequence

- Student Threat Assessment Response Team (START) program
- Report will be made to the Superintendent who shall determine if charges for expulsion from the school should be filed under Board of Education policy 09.435.
- Confiscation
- Five days out-of-school suspension (OSS) with possible Five additional days OSS by request from the Superintendent
- Possible court referral
- Request for expulsion if the Superintendent deems necessary
- Contact with the School Resource Officer (SRO)

Weapon Use (W03) – The use of any item used, designed to be used or intended for use in causing death or injury to any person, or for the purpose of threatening or intimidating any person.

Consequence

- Student Threat Assessment Team (START) program
- Five days out-of-school suspension (OSS)
- Possible Five days addition OSS by request from the Superintendent
- Possible court referral
- Request for expulsion
- Contact with the School Resource Officer (SRO)

Other – Behaviors not listed above, including all potential law violations. Staff using this definition will specify the problem behavior observed.

For any behavior that is not specifically named in this policy, administrators will exercise their right to review the facts and administer discipline deemed appropriate after consulting the Code of Acceptable Behavior from the Boyd County Board of Education.

DEMERIT SYSTEM

Demerit System: Points are assigned per behavior consequence.

Lunch Detention—1 demerit

Detention—2 demerits

Out-of-School Suspension—3 demerits

Extra Five (5) days Out-of-School Suspension and/or placement in alternative educational classroom—4 demerits

- After accumulating **6 demerits** a student will be referred to the BCMS Counseling department.
- After accumulating **9 demerits** a student may lose privileges and can be ineligible to participate in student/school activities (school-sponsored trips, talent show, dances, sports, etc.) A student shall be considered habitual after accumulating 9 demerits. A meeting will be scheduled with the student, his/her parent/guardians and a Behavior Contract will be developed.
- After accumulating **12 demerits** a pre-court conference will be scheduled. The student may lose additional privileges. The student may also be placed in an alternative education classroom, if available.
- After accumulating **15 demerits** the student will be referred to the Court Designated Worker and the district will file Beyond School Control. A student may lose all privileges and may be ineligible to participate in additional student/school activities (school-sponsored trips, talent show, dances, sports, etc.)

