The Code

2025-2026

Introduction

Mission Statement

The McCreary County School System will provide a safe, supportive environment to meet the individual needs of all students and ensure they are college and career ready.

Student Code of Acceptable Behavior and Attendance Policy

The McCreary County School System requires high standards of personal conduct from all employees, parents, and students. It is expected that each respect the rights of others as well as comply with state and federal law, the administrative procedures and policies of the school district, and procedures and policies of each individual school.

Code Development and Review

This Code was initially developed during the summer of 1985. Revisions have been made since that time and may be made at any time with proper notification to parents and students. The Code is reviewed annually by a committee consisting of the administration staff of the McCreary County School System appointed by the Superintendent. The committee recommends annual changes, which are then approved by the Board.

Review and Amendment Committee- July 2025
Cindy Moore, Principal
Angela Loudermilk, Principal
Tim Stephens, Principal
Charlotte Barnett, Principal
Sam Marple, Principal
Darrell King, Director of Pupil Personnel
Dr. Clint E. Taylor,
Superintendent

Annual Orientation to the Code

Each school shall develop an effective distribution and orientation process by which student, parents, legal guardians, teachers, administrators, and other school employees, become fully familiar with the Code, and all procedures contained therein including teacher review of the Code with students in the first week of the school year. Annual orientation to the Code for school employees will include awareness, orientation, and /or training on identifying, documenting, and reporting incidents/violations contained here within.

Location shall be made available to students, parents, legal guardians, and employees. Parents, legal guardians, students (if applicable), and school employees are required to verify knowledge of this Code through signature. All new students entering this system throughout the school year shall be made aware where to find this Code. A copy of the Code is available at the Principal's Guidance office at each school and at the office of the McCreary County Board of Education. The Code is also available online on the McCreary County School System web page.

Implementation

The Superintendent/designee shall be responsible for overall implementation and supervision of the Code and each Principal shall be responsible for administration and implementation of the Code within each school.

The Principal at each school shall apply this Code and discipline uniformly and fairly to each student at the school without partiality or discrimination. Under the provisions for Kentucky's school-based decision making councils, school councils shall select and implement the appropriate discipline and classroom management techniques necessary to carry out this Code at the school level.

Reporting of Code Violations

Students wishing to report a violation of the Code of Acceptable Behavior and Attendance Policy may report it to a classroom teacher, Principal or district personnel, who shall take appropriate action as defined by the code. The teacher shall refer the report to the Principal/designee for further action when the report involves an offense that may warrant suspension or expulsion of a student, any felony offense, or a report that may be required by law, including reports to law enforcement. Employees and other students shall not retaliate against a student because he or she reports a violation of the code or assists or participates in any investigation, proceeding, or hearing regarding the violation. The Superintendent/designee shall take measures needed to protect students from such retaliation.

Policy 09.438

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Section I: Attendance

Director of Pupil Personnel Letter to Parents/Guardians/Students:

At McCreary County Public schools, we want every student to come to school, every day. In a recent state review of student attendance in our county, findings showed that our attendance is not up to the state average and that we are losing classroom learning time and state funding that would help us improve our schools. Due to this, we want to share the facts with students and families regarding local and state attendance policies and how they work. These policies are not new, but they will be **strictly** enforced.

WHAT IS COMPULSORY ATTENDANCE?

State law in Kentucky says that students must attend school every day if they are between the ages of 6 and 18. The law says the local board sets the school calendar, including the beginning and ending times of the school day and year. **During the times set by the local board, the law states that students shall be in school.** This means that students may not be picked up early from school nor sign out or be signed out early without a valid excuse. If the student visits the doctor and finishes in time to come back to school, it is expected that they will check back in and finish the school day. (The doctor's note should indicate the time the student left the doctor's office.) Family members who drive students to and from school are expected to have them there on time and pick them up only after school is over.

WHAT IF MY CHILD CALLS ME FROM SCHOOL AND ASKS TO BE PICKED UP?

If your child calls and asks to be picked up, tell them to go see the school nurse to be checked. The school nurse will call you if your child is sick. If the school nurses says the child is sick and can go home, you won't need to use a parent or doctor note!

WHAT IS AN ABSENT EVENT?

Kentucky laws counts tardies the same as full days. A tardy is an absent event. Checking out of school early or coming to school late without a valid excuse is considered an absent event and both count equally toward the use of parent notes, doctor's notes and unexcused absences.

HOW DO PARENT AND DOCTOR NOTES WORK?

Parents/guardians are required to provide documentation for each absence or tardy. This can be in the form of a signed doctor's statement or parent note. Parent notes are limited by school board policy to a maximum of six (6) per year, after which a doctor's statement will be required. The student can have up to ten (10) doctor's statements before the doctor is required to fill out the Medical Excuse form, found in the back of the school board's Code of Conduct book. Board policy says that parents have three (3) days in which to submit a valid excuse for absences. After that, parent and doctor notes will not be accepted.

WHAT IS THE NEW LAW REGARDING DROPPING OUT OF SCHOOL?

Kentucky law changed to make the dropout age 18 instead of 16. This means that students under the age of 18 cannot drop out of school, and they cannot be signed out by their parent or guardian. It also means that a student cannot sign up to get a GED until after they turn 18. Our school district is working to provide options, such as attending McCreary Academy, for students who need a different schedule to help them stay in school and graduate. Students can consult with their high school counselor to find out more about their options. If a student under the age of 18 does not attend school and becomes truant, charges will be filed.

WHAT IS TRUANCY?

Kentucky laws says that any student who has been absent and/or tardy for three (3) days without a valid excuse is a truant. Also per state law, a student is habitually truant on the sixth (6)

unexcused absence and/or tardy. Remember, the district gives each student up to 16 absent events missed that are excused, and there are other days that can be excused for educational reasons that do not require parent notes or doctor notes. A student has to miss a lot of school before they are truant.

WHAT HAPPENS WHEN A STUDENT IS HABITUALLY TRUANT?

On the sixth (6) unexcused absence and/or tardy, a final notice letter is delivered to the home of the student by the Director of Pupil Personnel (DPP) who will talk with the family members and student. There may be a visit to the home prior to this notice to find out why the student continues to miss school. (If home conditions warrant, the school district may turn the matter over to Child Protective Services or Law Enforcement.)

If the student is 12 years old or younger, the Director of Pupil Personnel may file charges of Educational Neglect or Illegal Transaction with a Minor with the county attorney, against the adult(s) with whom the student lives (parent, guardian, grandparent, other family member).

If the student is 13 years old or older, a Truancy petition is filed with the court designated worker (CDW). Educational Neglect or Illegal Transaction with a Minor may also be filed against the adult(s) with whom the student lives (parent, guardian, grandparent, other family member).

The charges filed may result in a court appearance by you and your attorney. You may also be responsible for court costs. From this point on, the court will give the student and family orders on coming to school. The school district will provide information to the judge on how the student and family are meeting the requirements. If the judge's orders are not followed and the student does not come to school, or if you do not show up for a court date, a Contempt motion may be filed with the county attorney that may result in jail time.

KEEP IT POSITIVE!

We want our students in school. Our goal in McCreary County Public Schools is to improve our attendance from 91% last school year to 93% this school year. We need everyone's help and support in our schools and community to make this happen. Good attendance results in better grades and helps build a habit of showing up for work and other commitments as students get older. Let's keep it positive!

All students are expected to be on time and attend class every day school is in session. The progress of a student at school depends greatly on the punctuality and regularity of attendance. Regular attendance in class is necessary if students are to receive adequate guidance through their class work and benefit from the discussions. The intent of this attendance procedure for the McCreary County School System is to provide a structure within which students can gain maximum benefit from the instructional program.

Compulsory Attendance

Except as provided in KRS 159.030, each parent, guardian or other person residing in the state and having custody or in charge of any child who has entered the primary school program or 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 the board of education of the district makes provision for the child to attend. A child's age is between six (6) and eighteen (18) when the child has reached his sixth birthday and has not passed his eighteenth birthday.

Any parent, guardian, or other person having in custody or charge any child who has entered the primary school program or any child between the ages of six (6) and eighteen (18) who removes the child from a school district during the school term shall enroll the child in a regular public day school in the district to which the child is moved, and the child shall attend school in the district to which he is moved for the full term provided by that district.

Within three (3) months of the date of a student's withdrawal from school, District personnel designated by the Superintendent shall contact each student who has withdrawn from school to encourage reenrollment in a regular, alternative, or GED preparation program. If the student does not reenroll at that time, personnel shall make at least one (1) more attempt toward reenrollment of the student before the beginning of the next school year.

Excused Absences

When a student must be absent from school, arrive late, or leave early it is the responsibility of the parent/guardian to write a note to the school where the child is enrolled to inform the Principal of the reason for absence. Anytime a student misses any part of a school day, a note or other valid documentation must be submitted in order to determine if the absence is excused or unexcused within three (3) school days of the absence. The written statement shall include the full name of student, date or dates, reason and full signature of the parent/guardian or medical professional. Students shall have their absences excused only for reasons designated in this policy as excused. Absences for reasons other than those listed below will be unexcused. Excused absences include:

1. Death or severe illness in the pupil's immediate family,
2. Illness of the pupil (written verification shall be required),
3. Medical and dental appointments (written verification shall be required),
4. Order of a court,
5. Interview or test for college or vocational school (pre-approval and written verification shall be required),
6. Application for driving permit or license,
7. Religious holidays and practices,
8. Two (2) days for college visits for seniors;
9. One (1) day for attendance at the Kentucky State Fair,
10. Documented military leave,
11. One (1) day prior to departure of parent/guardian called to active military duty,
12. One (1) day upon the return of parent/guardian from active military duty,

13. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave,
14. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces,
15. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts. Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted. The educational enhancement opportunity will not be granted if the student: 1. is truant, 2. has excessive absences as determined by the Principal, or 3. is failing a class. The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures. Students seeking to participate in an educational enhancement opportunity shall submit an application three (3) days prior to the event. Required event documentation shall be submitted no later than three (3) days after returning to school. Students receiving an excused absence under this section shall have the opportunity to make up school work missed and shall not have their class grades adversely affected for lack of class attendance or class participation due to the excused absence.

School sponsored trips and properly organized 4-H club activities in which the student is accompanied by or under the supervision of a county extension agent or a designated 4-H club leader for the 4-H club education activity are not absences as they relate to the Attendance Policy. Students participating in such trips are required to do work missed while away.

If due to an illness or an injury of the student, it is believed by the Principal, assistant principals, teacher, counselor, family resource/youth service center staff, or parent that a student will be absent from school for five (5) or more days, efforts are to be made to place that student on Home Hospital instruction. Home Hospital referral forms, to be completed by the attending medical authority, will be provided to the parent/guardian of the student by the school or Director of Pupil Personnel.

A student may be released to a person with lawful authority to take custody of the student, e.g., a police officer with a warrant or the person authorized by the Cabinet for Health and Family Services when the student is committed to the Cabinet by a court order. In such case, the student's parent shall be notified at the earliest opportunity.

Unexcused/Excessive Absences

Excessive absences, whether excused or unexcused, will have an impact on a student's academic performance. Students with excessive absences, whether excused or unexcused, may be required to make up homework, class work, or missed instruction through a variety of options including but not limited to Extended School Services (ESS), before/after school programs, in school makeup programs, or other options as developed by the individual school. The student shall accept the responsibility to see the teacher and ask what work is to be made up and shall complete make-up assignments within the time specified by the school.

Any student, including students between the ages of 18-21, who has been absent from school without valid excuse for three (3) or more times, whether it is for a partial day or full day, is truant. Any child who has been reported as a truant two (2) or more times within one calendar year period is habitually truant. Any student considered habitually truant (six or more unexcused absences or tardies) must be referred to the Director of Pupil Personnel, the District Truant Officer, and/or other applicable agencies as required or allowed by Kentucky Revised Statue, Board, and/or Council Policy. Truancy, by Kentucky Revised Statute, must be reported to Juvenile Services and/or other applicable agencies and the student and/or parents may be referred to court. The Principal/designee must notify parents or students with excessive absenteeism in a prompt and timely manner and school-parent conferences must be held to determine the causes of the absenteeism. Documentation of meetings/home visits shall be kept by the school.

References: KRS 156.070; KRS 159.035; KRS 159.150; KRS 159.030; KRS 159.020; Board Policy 09.122; Board Policy 09.123

Section II: Law and Board Policy Violations

Disciplinary actions for violations may range from student conference to expulsion depending on the infraction and individual circumstances surrounding the incident. Common disciplinary consequences include, but are not limited to, in-school suspension, confiscation of items in question, referral to proper authorities, behavioral contracts, counseling, special seating, mediation, alternative placements, and restitution, as well as reports to law enforcement and/or other applicable agencies.

Board policy and Kentucky statutes require certain penalties for some offences. Listed are Law and Policy violations including reportable violations contained in Duty to Report, Bullying, Harassment, and other sections, but are not meant to be an all-encompassing list of conduct warranting disciplinary action. Such reports may result in criminal charges. Serious or repeated violations of school rules and Kentucky/federal laws may result in the suspension or expulsion of a student. Kentucky statutes declare that willful disobedience or defiance of authority, profanity or vulgarity, assault, battery or abuse of other persons, threat or force of violence, use or possession of alcohol or drugs, stealing, destruction or defacing of property, carrying or use of dangerous weapons, or encouraging bad conduct on school sponsored activities constitutes cause for suspension or expulsion.

Abusive Language/Vulgarity

No student shall purposefully speak or behave in a profane, vulgar or obscene manner. Students shall not cause, create or distribute nor attempt to cause, create or distribute profane, vulgar, or obscene material. Violation shall constitute reason for disciplinary action.

References: Board Policy 09.425

Use of Alcohol, Drugs and Other Prohibited Substances

Drugs, Alcohol and Other Prohibited Substances

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

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

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

Definitions

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under KRS 218A.010.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

Authorized Medication

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

Penalty

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams and/or other school-sponsored activities.

Reporting

Any school employee who knows or has reasonable cause to believe that a person has violated KRS 158.155 shall immediately report any use, possession, or sale of a controlled substance,

or who receives information from a student or other person of conduct which is required to be reported, shall immediately cause a report to be made to the District's law enforcement agency and either the local law enforcement agency or the Kentucky State Police.

Use of Alcohol, Drugs and Other Prohibited Substances

Drug Testing Program

Athletic teams and any extra/co-curricular activities covered by this policy shall apply to all high-school varsity and sub-varsity athletic activities, including but not limited to baseball, basketball, cheerleading, cross-country, dance team, football, softball, tennis, track, and volleyball. The subsequent addition of any varsity or sub-varsity sport shall immediately be subject to this policy. This policy shall also apply to students who drive to school and park on school property and any student who is involved in any extra/co-curricular activities.

All student athletes/drivers and participants of any extra/co-curricular activities and their parents/guardians must read this policy and accompanying procedures and acknowledge, in writing, that they have read the policy and procedures, understand the policy and procedures, and agree to be bound by the terms and conditions contained in the policy and procedures.

All student participants and their parents/guardians must sign the "Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing" form before the student shall be permitted to try out for any athletic team, at the high-school level, or be authorized to drive or park on school property.

Substance Abuse Prevention Committee

The Committee shall be established and shall have the overall responsibility for implementing this policy. The Committee shall establish procedures as needed to implement the policy fairly and efficiently and shall review and evaluate the effectiveness of the drug-testing policy on an annual basis. The evaluation shall include, but not be limited to, the effectiveness of the comprehensive educational and counseling program, substance testing program, procedural safeguards, and the list of drug substances tested. The Committee shall not have access to any of the test results. The Committee's purpose is limited to procedures and evaluation of this policy.

Testing shall be accomplished by the analysis of urine specimen obtained from the student participants. Collection and testing procedures shall be established, maintained, and administered to ensure:

1. Randomness of selection procedures;
2. Proper student identification;
3. Identification of each specimen with the appropriate student participant;
4. Maintenance of the unadulterated integrity of the specimen; and
5. Integrity of the collection and testing process, as well as the confidentiality of test results.

The specific testing process shall be on file at the testing laboratory approved by the Board.

Student participants' urine specimen shall be tested for the following, which include, but may not be limited to:

1. Amphetamines;
2. Marijuana (THC);
3. Cocaine and its derivatives;
4. Opiates;
5. Phencyclidine (PCP);
6. Benzodiazepine;

Use of Alcohol, Drugs and Other Prohibited Substances

Substance Abuse Prevention Committee (continued)

7. Methamphetamine;
8. Methadone;
9. Barbiturates;
10. Oxycodone;
11. MDMA; and
12. Other abused, illegal, or controlled substances as determined by the Committee.

Drug Testing

Athletes, Drivers and Extracurricular Students

To deter the unlawful use of alcohol & drugs, and to monitor compliance with this policy, athletes, student drivers, driver education students, or any student desiring to participate in an extracurricular activity at the high school level are required to participate in random drug testing and are subject to instant drug testing any time there is reasonable cause. Before a student is approved for any of these activities, the student and his/her parents must sign a "Consent Form" acknowledging that they have read, understand and agree to be bound by the terms and conditions of this policy and procedures.

All student participants will be subject to drug testing anytime between the student's selection to the team/activity and the end of the school year. The testing will include the gathering and analysis of urine specimen. The procedure for collection and testing will adhere to DOT federal procedures for drug testing, which includes using a certified lab for confirmation of results, to ensure the integrity of the process.

Voluntary Drug Testing

Parents and legal guardians of any high school student have the opportunity to have their child participate in a volunteer pool for random drug testing. The student's parent or legal guardian must sign

a "Consent Form" acknowledging that they have read, understood and agree to be bound by the terms and conditions of this policy and procedures. Student receiving a positive drug screen will follow under the same consequences as athletes, drivers and extracurricular students. Participating in the voluntary drug testing pool will allow your child to be subject to instant drug testing any time there is reasonable cause.

Parent Request Testing

Parent and legal guardians may request that their child be drug tested any time there is reasonable cause to do so using drug testing kits provided by the District. The parent or legal guardian will be responsible for purchasing the drug testing kit from the school. There will be no limit as to how many requests for drug testing the parent may make. Student receiving a positive drug screen will follow the same consequences as athletes, drivers and extracurricular students.

Reasonable Suspicion

Any employee of the McCreary County School District with reasonable cause to suspect that a student is using or has used drugs may request a reasonable suspicion drug screen.

Consequences for Receiving a Positive Drug Screen

Athletes, Drivers and Extracurricular Students

Use of Alcohol, Drugs and Other Prohibited Substances

Consequences for Receiving a Positive Drug Screen (continued)

First Violation

A student testing positive will be referred to in school Substance Abuse Counselor or other substance abuse provider at their choosing and expense. The student participant will have received an assessment or evaluation for chemical dependency and recommendations will follow. A student testing positive on a drug test will be suspended for the next four (4) consecutive sporting events/games, or the next six (6) weeks of the season/activity (whichever is greater in time). Student drivers will be denied permission to drive and or park on school property for the next six (6) weeks of school. The student will also be disqualified for participating in any/all other extracurricular activities (including driving) for the six (6) week period.

The suspension will begin the date that the positive results are received. If the student does not follow up with recommendations for treatment after one (1) week, the substance abuse counselor will notify the principal of non-compliance of the drug testing program. Punitive actions at this time may occur. The student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing for **the next three (3) consecutive drug screens**. A positive result shall be treated as a

second violation. The student will participate in six (6) weeks of drug counseling/training and/or other available intervention program approved by the Superintendent.

Second Violation

1. For a second violation, the student will be referred to the in school substance abuse counselor or other substance abuse provider of their choosing and expense. The student will be referred to the in school substance abuse counselor for six (6) weeks of substance abuse counseling/education. The student participant shall be suspended for the next eighteen (18) consecutive interscholastic events or eighteen (18) consecutive weeks, whichever is greater in time. All participants testing positive with a second violation shall be immediately denied permission to drive and/or park on school property for the next eighteen (18) consecutive weeks of school. The student will also be disqualified for participating in any other extracurricular activities (including driving) for the eighteen (18) week period. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic team or extra/co curricular activity, and/or the following season. The student will participate in 18 weeks of drug counseling/training and/or other available intervention program approved by the Superintendent.

   Before a student can be reinstated to the activity after a second violation, the student must submit to a new drug screen administered in accordance with the same procedures utilized for random drug testing for the next 3 (three) consecutive drug screens**.** A positive result shall be treated as a third violation. If student does not follow up on recommendations for treatment after one (1) week, the substance abuse counselor will notify the principal of non-compliance of the drug testing program. Punitive actions at this time may occur.

Use of Alcohol, Drugs and Other Prohibited Substances

Consequences for Receiving a Positive Drug Screen (continued)

2. If a student is reinstated to the activity following a second violation, the student's participation in another activity shall not be restricted solely because of the existence of the second violation, as long as the student has completed the period of suspension and the required chemical dependency program and was appropriately reinstated to the prior activity. If the student elects not to seek reinstatement to an activity after a second violation (either because of the student's own election or because the season concluded prior to the expiration of the student's period of suspension), the student is still required to serve the unexpired portion of the suspension before becoming eligible for any other athletic activity. A student serving a suspension for one sport may try out for a second sport if the student provides a negative drug test result from the testing laboratory under

contract. If the student makes the team, prior to participation, the student must serve the unexpired portion of the previous suspension. The student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a third violation.

Third Violation

For a third violation, the student will be referred to the in school substance abuse counselor or other substance abuse provider of their choosing and expense. The student participant or driver shall be excluded from participation in any extra/ co curricular activity for the remainder of the school year. At this time a referral will be made to the Principal for possible punitive action. Student will be referred to in-patient therapy by the in-school substance abuse counselor. The student must provide evidence to the school of a substance abuse treatment program.

Additional Sanctions Detail

Consequences for positive tests under the random drug testing program are primarily focused on prevention, and/or early detection and intervention/rehabilitation. They are not designed, nor intended to be used, as source of information for law enforcement agencies, or for the prosecution of a student. Therefore, students with positive drug tests receive sanctions as outlined above.

All suspensions will begin the date that the positive results are received. If necessary, the suspension will carry over to the following school year. Actual length of time that a student will be required to participate in counseling and other forms of intervention will be determined by student's response to intervention and counselor's recommendation. Before a student can be reinstated, he/she must demonstrate responsible actions, respond favorably to counseling, and receive a negative test result on another drug test, which will be conducted at the end of the sanction period. A positive result on this retest will be treated as another violation. Once a student has been reinstated the student's participation in another activity will not be restricted because of the previous violation. A suspended student may try out for a second (2nd) sport activity understanding that he/she will be retested and must receive a negative result. If he/she successfully qualifies for the second (2nd) sport team, any unexpired portion of the previous suspension must be served prior to actual participation in the second (2nd) sport activity.

Use of Alcohol, Drugs and Other Prohibited Substances

Confidentiality

Appropriate measures shall be taken to protect student confidentiality throughout the testing process and in the handling of test results. **A student's test results will be released only to the district drug coordinator, the Director of Pupil Personnel, the students' parents, the school principal, the athletic coach/teacher in charge of the activity, and the drug counselor. The test**

results will not be released to any other person(s) unless there is a written authorization received from the student and his/her parent, or unless it is required by subpoena or other court order.

Prevention Program

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all students which shall include notice to students and parents of the following:

The dangers of drug/alcohol/substance abuse in the schools:

- Provide parents with information relating to signs/symptoms to look for in students using substances.
- Provide information to parents relating to ATOD (alcohol, tobacco and other drugs) throughout the school year. (Ex. Open house, PTO/PTA meeting, etc.)
- Provide ATOD education to Volunteers in Public Schools (VIPS).
- Provide resources to parents relating to ATOD information.
- Address the dangers of ATOD with middle and high school students.
- Schedule assemblies throughout the year for the entire District addressing ATOD.
- Provide research-based curriculum to students in the District.
- Provide resources to students relating to ATOD.
- **Offer UNITE clubs to students in grades three (3) through twelve (12).**

Education and Prevention Plan

Educational Seminars: Each semester, qualified substance abuse educators shall conduct at least one (1) educational seminar on alcohol and drug abuse. These seminars shall be accessible to all middle and high school students.

Training in Drug Awareness: District middle and high school teachers will be given an opportunity to receive training in drug awareness. Part of the training will enable each teacher to incorporate drug awareness information into his/her curriculum. A keener teacher awareness of drug abuse signs and symptoms, as well as methods of referral will be a direct result of the training. Instructional units on drug abuse, such as those currently taught in our health courses will be enhanced by this teacher education component.

Seminars for Parents/Guardians: Educational seminars for parents/guardians that will address alcohol and other forms of drug abuse will be established in conjunction with other school programming. The central purpose of these sessions will be to provide parents/guardians with necessary information to parents toward drug prevention.

Use of Alcohol, Drugs and Other Prohibited Substances

EDUCATION AND PREVENTION PLAN (CONTINUED)

1. The District's policies and related procedures on drug-free/alcohol-free schools;
2. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
3. Information about available drug/alcohol counseling programs and available rehabilitation/student assistance programs; and
4. Penalties that may be imposed upon students for violations of this policy.

REFERENCES:

KRS 158.150; KRS 158.154; KRS 158.155
KRS 160.290; KRS 161.180
KRS 217.900; KRS 218A.020; KRS 218A.1430; KRS 218A.1447
OAG 82-633; OAG 93-32
Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d 586 (1981).
Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls, ___ U.S. ___, 242 F.3d 1264 (2002).

RELATED POLICY:

09.2241

Adopted/Amended: 1/24/2013

Order

Tobacco, Alternative Nicotine, or Vapor Products 09.4232

Students shall not be permitted to use or possess any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 on or in all Board property at all times, including any vehicle, owned, operated, leased, or contracted for use by the Board and while attending or participating in any school-related student trip or student activity.

Evidence-based, age-appropriate nicotine prevention and cessation material shall be distributed to all students at the beginning of each school year, and students shall have access to the material throughout the school year.

Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the local code of acceptable behavior and discipline.

PENALTIES

If a student under the age of twenty-one violates this policy, then the District will confiscate the alternative nicotine products, tobacco products, or vapor products and:

1. For the first incident, the school counselor or other school-based mental health services provider shall provide to the parent or guardian and the student evidence-based, age-appropriate nicotine cessation information to include but not be limited to materials, programs, and referrals for treatment;

2. A second incident shall result in providing information listed above and disciplinary action as determined by the Board and included in the District Code of Acceptable Behavior and Discipline; and

3. Third and subsequent incidents may result in an in-school or out-of-school suspension. The school shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.

No later than August 1 of each year, the Board shall submit a report to the Kentucky Department of Education that includes:

a. The number of behavior incidents for each alternative nicotine product, tobacco product, and vapor product, listed by school and grade; and

b. The number of incidents for which medical intervention was provided, listed by school, grade, and product.

REFERENCES:

KRS 160.290; KRS 160.340; KRS 161.180
KRS 438.050; KRS 438.305; KRS 438.345; KRS 438.350
704 KAR 003:303
OAG 81-295; OAG 91-137
P. L. 1114-95, (Every Student Succeeds Act of 2015)

Related Policies:

03.1327; 03.2327; 05.31; 06.221; 10.5

Bullying/Hazing 09.422

Students shall not engage in behaviors such as bullying, hazing, menacing, taunting, intimidation, subjecting others to physical contact, or other threatening language or behavior, including but not limited to the use of electronic or online methods. Any student who engages in behavior that is sufficiently severe, pervasive, or objectively offensive that it denies or limits another students' ability to participate in or receive the benefits, services or opportunities of the school's program or creates a hostile/abusive educational environment, shall be subject to appropriate disciplinary actions. Prohibited behaviors, actions, and conduct also include, but not limited to, those specified under the harassment/discrimination section of this code.

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.

Bullying Defined

Per KRS 158.148, "bullying" is defined as 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.

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.

Hazing Defined

Per KRS 508.150, 'hazing" is defined as an action which endangers the mental or physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization*, including but not limited to actions which cause, coerce, or force a minor or a student to:

(a) Violate federal or state criminal law;

(b) Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of mental harm or physical injury;

(c) Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;

(d) Endure brutality of a mental nature, including personal servitude, sleep deprivation, or circumstances which would cause a reasonable person to suffer substantial mental distress;

(e) Endure brutality of a sexual nature; or

(f) Endure any other activity that creates a reasonable likelihood or mental harm or physical injury to the minor or student.

*Per KRS 508.180, "organization" is defined as a number of persons who are associated with a school or postsecondary education institution and each other, including a student organization, fraternity, sorority, association, corporation, order, society, corps, club, or similar group and includes any student organization registered pursuant to policies of the school or postsecondary education institution at any time during the previous five (5) years.

ACTIONS NOT TOLERATED

The use of lewd, profane or vulgar language is prohibited. In addition to bullying, students shall not engage in behaviors such as hazing, menacing, taunting, intimidating, verbal or physical abuse of others, or other behavior that disrupts a student's access to an education or is harmful to his/her well-being.[1] This policy extends to any/all student language or behavior, on school premises, on school-sponsored transportation (per policies 06.34 and 09.2261), or at school-sponsored events 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. However, students who violate this policy shall be subject to appropriate disciplinary action.

REPORTS

As provided in the District Code of Acceptable Behavior and Discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action.

References: KRS 160.290; KRS 160.340; KRS 158.150; KRS 158.148; KRS 525.070; Board Policy 09.422, 09.422 AP.21

Cheating/Forgery

Cheating in academic or athletic activities or the act of falsely using the name of another person or falsifying documents shall not be tolerated. The offending student shall be subject to appropriate disciplinary action, including, but not limited to, loss of privileges and removal of the student from school, class, or school related activity.
References: Board Policy 09.4293

Destruction of Property (Theft/Vandalism/Arson)

Any student, organization, or group of students participating in activities that destroy, deface, damage or remove school property or personal property on school property or at school-sponsored activities shall be subject to suspension or expulsion and liable for the cost of restoring the property.

Any school employee shall immediately report to the District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police any act which the employee has a reasonable cause to believe has occurred on school property or at a school-sponsored or sanctioned event involving damage to property.

Any school employee who receives information from a student or other person of conduct which is required to be reported shall report the conduct to the District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.

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

References: KRS 157.140; KRS 405.025; KRS 158.150; KRS 158.155; KRS 160.290; 740 KAR 3:450 (20); Board Policy 09.421; 09.2211

Disrupting the Educational Process

Behavior that materially or substantially disrupts the educational process, whether on or off school property or at school-sponsored events and activities, shall not be tolerated and shall subject the offending student to appropriate disciplinary action. For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that disrupts the classroom environment and education process or the student challenges the authority of a supervising adult;
2. Conduct which threatens the health, safety, or welfare of others;
3. Conduct which may damage public or private property, including the property of students or staff;
4. Illegal activity;
5. Conduct that materially or substantially interferes with another student's access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities; or
6. Conduct that materially or substantially disrupts the delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

REMOVAL

Per KRS 158.150, a student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered "chronically disruptive" and may be suspended from school and no other basis for suspension shall be deemed necessary.

At any time during the school year, for a student who has been removed from the classroom the Principal may require a review of the classroom issues with the teacher and the parent, guardian, or other person having legal custody or control of the student and determine a course of action for the teacher and student regarding the student's continued placement in the classroom.

At any time during the school year, the Principal may permanently remove a student from a classroom for the remainder of the school year if the Principal determines the student's continued placement in the classroom will chronically disrupt the education process for other students.

When a student is removed from a classroom temporarily or permanently, the Principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to:

- Another classroom in that school; or
- An alternative program or setting, which may be provided virtually, as approved by the Superintendent.

Any permanent action by the Principal shall be subject to an appeal process in accordance with Policy 09.4281/Grievances.

OTHER CLAIMS

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, 09.422 and/or 09.42811, which address harassment/discrimination allegations.

References: KRS 160.290; KRS 158.150; Board Policy 09.426 AP.1; 09.34

Dress and Appearance

The wearing of any attire, cosmetics, presentation of extraordinary personal appearance, or any unsanitary body conditions, which in the judgment of the Principal significantly disrupts schoolwork, interrupts scholastic endeavors, or threatens the health and/or safety of other students, is prohibited. Repeated violations may result in suspension from school.

References: OAG 73-233; OAG 73-28; Board Policy 09.427

Internet and Networking

Electronic Resources

We are pleased to offer students access to the district computer network and the Internet. However, access is a privilege – not a right. To gain independent access to the Internet, all students under the age of 18 must obtain parental permission and must sign and return the form located at the front of the Code to the school. Students 18 and over may sign their own names. Access to network services is given to students who agree to act in a responsible manner. Students are responsible for good behavior on school computer networks just as they are in the classroom. 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, but not limited to, chain letters, and downloading/storage of non-instructional games and 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 Instagram, Twitter, Snapchat, Facebook.com.

Communications on the network are often public in nature and users of the district computer networks are responsible for their behavior and communications over those networks. Network storage areas may be treated like school lockers. Network administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will be private. It is presumed that users will comply with district standards and honor the agreements they have signed. Beyond the clarification of such standards, the district is not responsible for restricting, monitoring, or controlling the communications of the individuals using the network.

Telecommunication Devices

DEFINITION OF PERSONAL TELECOMMUNICATIONS DEVICE

A device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, including but not limited to a paging device or a cellular telephone.

Telecommunication device does not include any device a student is authorized to use pursuant to the Individuals with Disabilities Education Act, the Americans with Disabilities Act, or the Rehabilitation Act of 1973.

Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the District's Acceptable Use policy or procedures or its Code of Acceptable Behavior. Each school SBDM Council shall develop and govern policy regarding possession and use of telecommunication devices. A violation also may result in a report being made to law enforcement. Students are prohibited from using a personal telecommunication device during instructional time, except during an emergency, if directed to do so by a teacher for an instructional purpose, or if authorized by a teacher. Cell phones or any other electronic device brought to school must be kept silenced and out of sight. 1st Violation: Item confiscated and parents must pick up.
Further violations: Disciplinary actions will follow.

Devices shall not be used in a manner that disrupts the educational process, including, but not limited to use that:

1. Poses a threat to academic integrity, such as cheating
2. Violates confidentiality or privacy rights of another individual
3. Is profane, indecent, or obscene
4. Constitutes or promotes illegal activity or activity in violation of school minutes, or
5. Constitutes or promotes, sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic devise
6. Accesses social media unless authorized to do so by a teacher for an instructional purpose

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.

References: KRS 158.165; KRS 156.675; 20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); 42 U.S. C. § 12101 Americans with Disabilities Act; 29 U.S.C. § 701 Rehabilitation Act of 1973 Board Policy 08.2323; 09.2323; 09.426; 09.436; 09.438

Fights/Assaults

Any student who threatens, assaults, batters, or physically, sexually or verbally abuses a teacher, another student or other school personnel shall be subject to disciplinary action up to and including expulsion from school and/or legal action. When they have reasonable belief that a violation has taken place, Principals shall immediately report to laws enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault

resulting is serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon.

For purposes of this Policy, a "threat" shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

STUDENTS

Any student who threatens, physically assaults, batters or abuses another student shall be subject to appropriate disciplinary action, including suspension or expulsion.[1]

Students may also be subject to prosecution or juvenile justice interventions for assault, threats, or other abusive conduct.

The Principal shall provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provision of KRS 508.078 and potential penalties under KRS 532.060 and KRS 534.030.[2]

EDUCATIONAL PERSONNEL

Any student who threatens, physically assaults, batters or physically or verbally abuses educational personnel on or off school property (and the incident is likely to substantially disrupt the educational process) shall be subject to appropriate disciplinary action[1] up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

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

1. Disrupts the classroom environment and education process or the student challenges the authority of a supervising adult.
2. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
3. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

The Principal may establish (school) procedures for a student's removal from and reentry to the classroom when the student's behavior disrupts the classroom environment and education process or the student challenges the authority of a supervising adult. In addition to removal, the student shall be subject to further discipline for the behavior consistent with the school's code of conduct.

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

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

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

Per KRS 158.150, a student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered "chronically disruptive" and may be suspended from school and no other basis for suspension shall be deemed necessary.

At any time during the school year, for a student who has been removed from the classroom the Principal may require a review of the classroom issues with the teacher and the parent, guardian, or other person having legal custody or control of the student and determine a course of action for the teacher and student regarding the student's continued placement in the classroom.

At any time during the school year, the Principal may permanently remove a student from a classroom for the remainder of the school year if the Principal determines the student's continued placement in the classroom will chronically disrupt the education process for other students.

When a student is removed from a classroom temporarily or permanently, the Principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to:

- Another classroom in that school; or
- An alternative program or setting, which may be provided virtually, as approved by the Superintendent.

Any permanent action by the Principal shall be subject to an appeal process in accordance with Policy 09.4281/Grievance
References: KRS 158.150; KRS 160.290; KRS 161.190; KRS 161.195; Board Policy 09.425

Harassment/Discrimination

Harassment/Discrimination is intimidation, annoyance, or alarm to another person by threats of or actual physical contact or violence; the creation, by whatever means, of a climate of hostility, intimidation, fear of harm, humiliation, or embarrassment; or the use of language, conduct or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment/Discrimination is behavior based on race, color, national origin, age, religion, marital status, political beliefs, sex or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

Those who engage in harassment/discrimination of an employee or another student on the basis of race, color national origin, age, religion, marital status, political beliefs, sex, or disability shall be subject to disciplinary action including but not limited to suspension and expulsion. Conduct and/or actions prohibited under this policy include but are not limited to:

1. Name calling, stories, jokes, picture, or objects that are offensive to protected categories;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Members of one gender in a class being subjected to sexual remarks of the other gender in the context of the classroom;
4. Impeding the progress of a student in class by questioning the student's ability to do the required class work based on protected categories;
5. Limiting student's access to education tolls, such as computers, based on protected categories;
6. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
7. Teasing a student's subject choice or assignment based on protected categories;
8. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories;
9. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
10. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity;
11. Destroying, damaging, or theft of an individual's property based on any of the protected categories.
12. Making an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present;
13. Following a person in or about a public place or places;
14. Engaging in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose;
15. Damaging or commits a theft of the property of another student;
16. Substantially disrupting the operation of the school;
17. Creating a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the

circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

A person is guilty of harassing communications when with intent to intimidate, harass, annoy, or alarm another person he or she communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.

Students or employees who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving other students that they believe to be an act of harassment/discrimination shall report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination. Otherwise, reports of harassment/discrimination, whether verbal or written, may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, whether verbal or written, reports may be made directly to the District Title IX Coordinator.

The Superintendent or designee shall develop procedures providing for:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than ten (10) school days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.
2. A process to identify and implement, within ten (10) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. Annual dissemination of written policy to all staff and students;
4. Age-appropriate training during the first month of school to include an explanation of prohibited behavior; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have

been accused of harassment/discrimination.

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal any part of the findings and corrective actions to the Superintendent. If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority. Failure by an employee, Principal, and/or Superintendent to initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action. District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

No one shall retaliate against any employee or students because he/she files a written grievance, assists or participates in an investigation or proceeding, or because he/she has opposed language or conduct that violates this policy. Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

References: KRS 525.080; KRS 525.070; 42 USC 2000e; US Supreme Court-Franklin vs. Gwinnnett County; Civil Rights Act of 1964 Title VII; 20 U.S.C. 1681, Education Amendments of 1972, Title IX; 34 C.F.R. 106.1-106.71, Bostock v. Clayton County, Georgia 140 S. Ct. 1731 (2020); U.S. Department of Education Office for Civil Rights; Board Policy 03.162; 03.262; 09.13; 09.227; 09.422; 09.426; 09.4281

Threats

Students shall not threaten to cause injury or harm to another person. Threat shall refer to a communication made by any means including but not limited to electronic and/or online methods. Violation shall constitute reason for disciplinary and/or legal action.

References: KRS 158.150; KRS 160.290; KRS 161.190; KRS 161.195; KRS 525.070; KRS 525.080; Board Policy 09.425; 09.42811; 09.436; 09.4361; 09.42811; 03.162; 03.262; 05.43

Tobacco

The use or possession of any tobacco product including e-cigarettes and other similar products, is prohibited twenty-four (24) hours a day, seven (7) days a week in any building and on any property owned or operated by the Board. Students shall not be permitted to use or possess any

tobacco product on property owned or operated by the Board, inside Board owned vehicles, on the way to and from school, stadiums/athletic fields and during school-sponsored trips and activities. Activities occurring before, during and after school hours, on weekends and during vacation periods are included in this prohibition. Students who violate these prohibitions while under the supervision of the school shall be subject to disciplinary actions.

References: P.L. 107-110 (NCLB Act 2001; KRS 161.180; KRS 160.290; KRS 160.340: KRS 438.050; KRS 438.305; KRS 438.350; OAG 81-395; OAG 91-137; Board Policy 09.423; 09.4232; 10.5

Weapons

Carrying, bringing, using, or possessing any weapon in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited. Violation of this policy by students shall require that the Principal immediately make a report to the Superintendent, who shall determine if charges for expulsion from the District schools should be filed under Policy 09.435. When they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a firearm in violation of the law or assault involving the use of a weapon. In addition, employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon 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. Violations by visitors shall also be reported to a law enforcement agency.

Students who are found to possess a firearm at school will be expelled for not less than one calendar year from their regular school setting. However, the Board may make modifications on a case-by-case basis and follow IDEA requirements.

Any instrument that is capable of causing harm to another person may be considered a weapon.

For state reporting purposes, a deadly weapon shall be defined as a weapon of mass destruction;

any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged; any knife other than an ordinary pocket knife or hunting knife; billy, nightstick or club; blackjack or slapjack; nunchaku karate sticks; shuriken or death star; or artificial knuckles made from metal, plastic, or other similar hard material.

References: KRS 527.20; KRS 527.070; KRS 500.080; KRS 158.150; KRS 158.154; KRS

158.155; KRS 160.340; KRS 161.790; KRS 237.110; KRS 508.075; KRS 508.078; The Gun-Free Schools Act of 1994; Board Policy 05.48; 06.432; 09.12; 09.435; 09.436

Title IX Sexual Harassment

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, 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 that 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.

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 FERPA[4], 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 09.221, 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:

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:

[2]34 C.F.R. § 106.45
[3]KRS 510.020
[4]85 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:

[1]**03.162; 03.262; 09.42811**
[5]**09.14**

INTRODUCTION AND SCOPE

Section III: Transportation

Bus Transportation

This Code applies to all students while at school, on their way to and from school, while on the bus, and while they are participating in school-sponsored trips and activities. The bus is anxtension of the student's school and all district and school behavioral expectations apply in the same manner as if a student were in the school building or on school grounds. *Consequences for bus violations will be consistent with consequences for similar school violations as outlined in this Code. However, violations that endanger the safety and welfare of students and/or driver of the bus may carry more severe consequences than a similar violation in a non-bus setting.*

The privilege of any student to ride a school bus is conditioned upon his/her good behavior. The conduct of students on a school bus has a direct relationship to safety. There is no room for variance from the rules and regulations, as any variance could endanger the safety and welfare of several children. Drivers are in charge of their buses, and their first responsibility shall be to the safe transportation of their passengers. Should the conduct of a student on the bus endanger the safety and welfare of other individuals, and the offending student fails to cease such conduct when requested to do so by the driver, it shall be the duty of the driver to put the offender off the bus at the first opportune moment and report his/her action to the Principal as soon as possible in compliance of KAR 5:808. This will be done only in extreme cases and as a last resort to protect other students on the bus.

Conduct that is distracting or might interfere with the driver's concentration or ability to hear or that may endanger others will not be tolerated including violations listed in this Code and bus specific violations including but not limited to throwing articles or objects in or from the bus; refusing to sit in assigned seat; verbally or physically abusing the driver; having body parts and/or other items out of windows; obstructing the aisle in any manner; occupying more space in a seat than is needed; refusing to allow another passengers to sit down; possessing any weapons, fireworks, glass containers, live animals, water guns, squirt bottles, or balloons; and eating and

drinking on the bus. In addition, only the following instruments may be transported on the school bus: trumpet, flute, piccolo, clarinet (B-flat and base), oboe, violin, viola, trombone, saxophone, and French horn.

Any student who violates this Code shall be reported to the Principal or designee of the school for disciplinary actions. The disciplinary action taken will depend on the nature of the student's behavior. If the behavior is severe and jeopardized the safety and welfare of others, suspension can occur with the first offense and be immediate. For less serious infractions, the stated range of consequences will be given to the student by the Principal as appropriate. Written notice of the action taken by the Principal or designee shall be furnished to the parents or guardian and to the director to transportation; however, such notice need not precede the action of the Principal or designee. Video cameras will be in use to record student activities on the bus, and the tape will be used as evidence in disciplinary hearings. The parents or guardians may be held responsible for restitution of any damages, beyond normal usage, inflicted by their child and bus riding privileges may be suspended until restitution is paid.

The Principal is authorized to withhold bus riding privileges up to a maximum of ten (10) school days per occurrence. In the case of habitual or serious conduct violation, the Superintendent or Superintendent's designee may withhold bus riding privileges for the remainder of the school year. If a student is suspended from one school bus, he/she is suspended from all other buses as well. A school bus suspension is not an excused absence from school. Students will be expected to be at school each day of their bus suspension.

When actions taken by the driver or other school employees are not supported by the parent or guardian, the proper channel for the hearing of the issues shall follow the same grievance procedures as applied to other violations.

For your child's safety and the safety of others, students should:

Prior to Loading (on the road and at school)…

1. Students shall be at their bus stop at least 5 minutes before bus is scheduled to arrive. The bus cannot wait for those who are late.
2. Students are to wait until the bus has come to a complete stop and driver signals before moving toward the bus and attempting to board. While on the Bus….
1. The driver is in full charge of the bus and the students. Students shall comply fully and promptly with the driver's instructions and without arguing viewpoints.
2. Upon boarding the bus, students shall immediately be seated and remain in that seat for the remainder of the route, unless given permission by the driver to change seats.
3. The driver shall assign seats on the bus, and students shall sit in their assigned seat.

4. Students shall not mar or otherwise deface the bus.
5. Students are not to tamper with mechanical equipment, accessories or controls of the bus.
6. Students are to refrain from loud talking, excessive noise, and unnecessary movement, which can divert the driver's attention and may result in an accident.
7. Students are not to throw litter of any kind on the floor of the bus.
8. Students shall keep all body parts and clothing inside the bus at all times.
9. Students shall never leave the bus through the rear door, except during an emergency situation or when directed during an evacuation drill.
10. In case of a road emergency involving the bus, or the bus and another vehicle, the students are to remain in the bus, unless given other instructions by the driver.
11. Buses are not permitted to transport any item (including backpacks or gym bags) that the student cannot hold in his/her lap without the item protruding into another student's space or extending above the seatback in front of that student. Leaving the Bus…
1. Students are to remain in their seats until the bus has come to a complete stop before standing, entering the aisle and attempting to leave the bus at school or at their bus stop.
2. The driver will not let students off the bus at places other than the regular bus stop at home or at the school attended without written authorization of the parent signed by the principal/designee.
3. Students who must cross the road after leaving the bus shall cross at least ten (10) feet in front of the bus after a signal from the bus driver.

The Board will make a reasonable effort to pick up students near their homes on public roads and streets, subject to these limitations:
1. Students will be required to walk to certain specified points to be picked up on the public roads where traffic hazards would not make it feasible to stop the school bus in front of their homes.
2. Students living close together will be required to assemble themselves at a central point to be picked up by the school bus.
3. In general, in the subdivision areas, stops will be made at designated points.
4. Buses will not run spurs of 1/2 of a mile or less by the nearest traveled road.

Driving and Parking Areas

With parental request and under conditions prescribed by the school Principal or designee, high school students may be permitted to drive motor vehicles onto the school grounds. Vehicles shall be parked in designated areas on the school campus and are not to be visited or moved during the school day unless the Principal gives permission.

There is no "right" for any student to drive a personal motor vehicle to school or to store or park the same on school premises. Any student who drives to school must park in his/her designated school area only. All students who drive to school shall have agreed to all rules and regulations of the school to which such transportation is permitted. The applicable rules and regulations shall be in writing and copies shall be made available from the school Principal. No student- operated motor vehicles shall be parked on school property without the student operating the same having waived all claims of privacy pertaining to such vehicle.

No Pass/No Drive Law

In accordance with KRS 159.051, when a student age fifteen (15) but less than (18) years of age has excessive absences or is declared to be academically deficient, the Superintendent shall report the student's name and Social Security number to the Transportation Cabinet. As soon as possible thereafter, the cabinet shall notify the student that his/her operator's license, intermediate license, permit, or privilege to operate a motor vehicle has been revoked or denied. A student shall be deemed to have excessive absences when he/she has nine (9) or more unexcused absences in the preceding semester. Any absences due to suspension shall be unexcused absences. A student shall be deemed to be academically deficient when he/she has not received passing grades in at least (4) courses, or the equivalent of four (4) courses in the preceding semester. The report shall be made at the end of each semester but may be made earlier in the semester for accumulated absences.

In order for a student to have his/her license reinstated, a request for a hearing can be made to the District Court Office. A student may reapply for his/her driver's license as early as the end of the semester during which he/she enrolls in school and successfully completes the educational requirements. A student shall provide proof issued by his/her school within the preceding sixty (60) days that he/she is enrolled and is not academically deficient. A student's privilege of driving on school property is revoked when the report is made to the Transportation Cabinet. Driving privileges will resume with license reinstatement.

References: KRS 159.051; KAR 005:080; KRS 158.150; KRS 158.110; 702; KRS 159.051; KAR 005:050; 702 KAR 005:090; 702 KAR 005:100; 704 KAR 7:050; 704 KAR 7:100; OAG 77-419 Board Policy 09.123; 09.11; 09.12; 09.1231; 09.14; 09.2211; 09.223; 09.226; 09.36; 09.4294; 09.425; 09.4294; 09.432; 09.434; 09.438; 06.34

Section IV: Procedural Guidelines

Alternative Education

The Principal/designee shall notify the parents by letter, telephone, or conference of their child's assignment to an alternative education program. Notifications shall include length and reason for assignment, expected behavior of the student, and notification that assignment may be extended or shortened depending upon the attitude and cooperation of the student.

Opportunities shall be provided for the student to continue regular schoolwork under the supervision of the school staff and counseling and therapeutic services shall be provided to address school-related problems.

For conduct that disrupts the educational process, a student may be assigned to an off campus alternative education program by the Superintendent/designee. The Superintendent/designee shall determine the duration of assignment.

References: 704 KAR 7:050; OAG 77-419; Board Policy 09.4341

Corporal Punishment

Employees shall not utilize corporal punishment as a penalty or punishment for student misbehavior. Corporal punishment shall refer to the deliberate infliction of physical pain on a student by any means.

References: 704 KAR 7:056; KRS 160.290; KRS 160.340; KRS 161/180; KRS 503.110; 704 KAR 7:056; 704 KAR 7:160 Board Policy 09.433

After School Intervention

The principal or his/her designee may establish after school or Saturday school intervention as an alternative disciplinary method. A student's parent/guardian shall be notified prior to the intervention so that transportation may be arranged by the parent.

References: KRS 160.290; KRS 160.340; Board Policy 09.432

Disciplinary Probation

As an alternative disciplinary method, the Principal may place a student on probation. Prior to placing the student on probation, the Principal shall convene a conference involving the student, the student's parent(s)/guardian(s), and others. The purpose of the conference shall be to develop a behavioral contract. The behavioral contract shall include the name and title of each person involved, behavior required or expected of the student, length of probation and consequences of violating the agreement. The contract becomes effective when signed by the student, parent/guardian and the Principal or his designee.

References: Board Policy 09.4342

Dismissal from School or a School-Sponsored Activity

At any time students are dismissed from school, they shall be released according to the written instructions provided by the custodial parent/guardian. The instructions, which shall be requested at the time the student registers/enrolls for the school year, shall include the student's regular mode of transportation at the end of the day and a list of persons, in addition to the custodial parent/guardian, who are authorized to pick up the child from school. Any deviation from the authorized release process must be approved by the Principal/designee prior to the student departing school in another manner.

It shall be the responsibility of the custodial parent/guardian to notify the school in writing if release instructions are to be revised. If written instructions are not provided to the school, the student shall only be released to ride home on the assigned bus or with the custodial parent/guardian.

Any student who leaves the school grounds at any time without proper authorization shall be subject to appropriate disciplinary action.

RELEASE PROCESS

If the student is to be picked up early, the custodial parent/guardian or designee shall report to the Principal's office and sign for the student's release.

Each school shall maintain a daily entry and exit log of students signing in late or signing out early and shall require proof of identification from individuals (visual identification by an

employee, driver's license, picture identification, etc.) to assure that they are authorized to pick up the student.

Those students who are not on record as being under the care or control of a parent/guardian may sign for their own dismissal.

EXCEPTIONS

A student may be released to a person with lawful authority to take custody of the student, e.g., a police officer with a warrant. In such case, the student's parent shall be notified at the earliest opportunity or state agency with court order.

In addition, the Board authorizes emergency release of students for illness or other bona fide reasons, as determined by the Principal.

References: 702 KAR 007:125; Board Policies 09.1231; 09.12311; 09.432; 09.434; 010.5

Due Process

RIGHT TO DUE PROCESS

Before being punished at the school level with suspension for violation of school regulations, a student shall have the right of the following due process procedures.[1]

1. The student shall be given oral or written notice of the charge(s) against him or her;
2. If the student denies the charge(s), the student shall be given an explanation of the evidence of the charge(s) against him or her; and
3. The student shall be given an opportunity to present his or her own version of the facts relating to the charge(s).

STUDENTS WITH DISABILITIES

In cases which involve students with disabilities, procedures mandated by federal and state law shall be followed.[2]

REFERENCES:

[1]KRS 158.150

[2]P. L. 105-17; 707 Chapter 1; Honig v. Doe, 108 S.Ct. 592 (1988)

RELATED POLICIES:

09.43, 09.433, 09.434

BOARD MAY EXPEL

Expulsion

The Board may expel or extend the expulsion of any student from the regular school setting for misconduct as defined by law. Provision of educational services will be required unless the Board determines, on the record and supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed in a state-funded agency program.[1]

The Board shall require the expulsion from school for a period of at least twelve (12) months for a student who is determined by the Board:

1. Through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff of the District;
2. To have brought a weapon to a school under its jurisdiction per Board Policy 05.48.

The Board may expel a student for longer than twelve (12) months.

Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others on or off school property (and the incident is likely to substantially disrupt the educational process); the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.

The Superintendent shall present to the Board for its approval options for providing or ensuring that educational services are provided to expelled students.

In lieu of expelling a student, or upon the expiration of a student's expulsion, the Superintendent may place a student into an alternative program or setting if the Superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the educational process or constitutes a threat to the safety of other students or school staff.

HEARING AND RECORDS REQUIRED

Action to expel, extend the expulsion, or place in an alternative program or setting a student shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity for a hearing before the Board.[1] The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.[3] If applicable, a bus driver shall have the opportunity to be heard at any

disciplinary hearing against a student relating, at least in part, to misconduct that occurred during the operator's transportation of the student or to misconduct by the student's parent or guardian.

Expulsion

Hearing and Records Required (continued)

Within thirty (30) days prior to the end of a student's expulsion, the Board shall review the details of the expulsion and current factors and circumstances, including if ending the expulsion will substantially disrupt the education process or constitute a threat to the safety of students or school staff, to determine if the expulsion shall be extended for a period not to exceed twelve (12) months. The expulsion review process shall be used prior to the end of each expulsion period until the Board ends the expulsion or the student is no longer subject to compulsory attendance under KRS 159.010.

Board Decision Final

The Board may establish an appeals committee and delegate authority to hear appeals to the committee. Otherwise, the Board's decision shall be final.[1]

Students With Disabilities

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

required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled.)[1&3]

Transfer of Records

Records transferred to another school must reflect the charges and final action of an expulsion hearing if the student was expelled for homicide, assault, or an offense in violation of state law or school regulations governing weapons, alcohol or drugs. Records of a student facing an expulsion hearing on charges described above shall not be transferred until the expulsion hearing process is completed.[2]

REFERENCES:

[1]KRS 158.150

[2]KRS 158.155

[3]Individuals with Disabilities Education Improvement Act of 2004; 707 Chapter 1; Section 504 of the Rehabilitation Act of 1973, as amended.

Honig v. Doe, 108 S.Ct. 592(1988); OAG 78-673

RELATED POLICIES:

05.48, 09.12, 09.423, 09.425, 09.43, 09.431, 09.434

GENERAL

Grievance Procedures

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

1. From student to teacher;
2. From teacher to Principal;
3. From Principal to Superintendent;
4. From Superintendent to Board.

The order of appeal shall not be construed to mean that students are not free to confer with the Superintendent or Board whenever they so wish. However, if the grievance concerns discipline of an individual student, the Board may, on a case-by-case basis, determine if it will hear the grievance based on whether the facts presented in the written grievance fall within its discretion or authority. If there is a question as to whether the grievance is within the Board's discretion or authority, the Board will consult with legal counsel.

PROCEDURES

Grievance procedures shall address, but not be limited to, the conditions for filing a grievance, time limitations for the filing and the appeal of a grievance, and a process for the orderly review and appeal of each individual grievance.

COUNCIL DECISIONS

In accordance with policy 02.42411, students may appeal grievances pertaining to school council decisions.

EXCEPTIONS

Sexual harassment allegations shall be governed by Policy 09.42811.

Federal law requires the District to implement separate and specific processes for responding to complaints/grievances about Title I programs and to those alleging discrimination in the delivery of benefits or services in the District's school nutrition program.

RELATED POLICIES:

07.1, 08.13451, 09.42811, 10.2

Parents Responsible for Children's Violations

Every parent, guardian, or custodian of a child residing in any school district in this state is legally responsible for any violation of KRS 159.010 to 159.170 by the child. Before any proceedings are instituted against the parent, guardian, or custodian for violation of KRS 159.010 or 159.170, a written notice of the violation shall be served on the person by the Director of Pupil Personnel/designee, and one (1) 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 159.90. A notice by certified mail, return receipt requested, or by personal service by the Director of Pupil Personnel/designee shall be a legal notice.

1. Any parent, guardian, or custodian who intentionally fail to comply with the requirement of KRS 159.010 to 159.170 shall be fined one hundred dollars ($100) for the first offense, and two hundred fifty dollars ($250) for the second offense. Each subsequent offense shall be classified as a Class B misdemeanor. A new offense shall not be constituted until any previous offense has been finally adjudicated. The court trying the case may suspend enforcement of the fine if the child is immediately place in attendance at a school, and may finally remit the fine if the attendance continues regularly for the full school term. School attendance may be proved by an attested certificate of the principal or teacher in charge of the school.
2. Any principal, teacher, director of pupil personnel, assistance director of pupil personnel, or other school officer who intentionally fails to comply with the provisions of KRS 159.010 to 159.250, or of KRS 160.330 shall be fined not less than twenty-five dollars ($25) no more than fifty dollars ($50). Upon conviction under this subsection, a director of pupil personnel or assistant director of pupil personnel shall be removed from office and have his certificate revoked, and a principal, teacher, or other school officer may have his certificate revoked.
3. Any person, other than those persons mentioned in subsection (1) and (2) of this section, who fails to comply with any of the provisions of this chapter relating to compulsory attendance, or who violated any of the provisions of KRS 159.130, shall be

fined not less than fifty dollars ($50) nor more than two hundred dollars ($200), or imprisoned in the county jail for more than sixty (60) days, or both.

4. Any person who violates any of the provisions of KRS 159.270 shall be liable to a fine of not less than fifty dollars ($50) and shall be liable to the punishment prescribed by law for the crime of false swearing. If he is an officer, he shall be removed from office; and if he is a director of pupil personnel, his certificate shall be revoked.

5. All fines imposed and all sums required to be paid as penalties under this section shall, after payment of the costs of prosecution and recovery thereof, be paid into the treasury of the district board of education and become a part of the school fund of the district.

*References: KRS 159.180*Physical Restraint/Seclusion

Use of physical restraint or seclusion by school personnel is subject to 704 KAR 007:160. However, nothing in this policy prohibits the exercise of law enforcement duties by sworn law enforcement officers.

DEFINITIONS

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

PHYSICAL RESTRAINT

All School Personnel

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

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

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

Core Trained Personnel

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

1. In non-emergency circumstances when a student's behavior poses an imminent danger of physical harm to self or others;
2. As provided in KRS 503.050 (including when personnel believe physical restraint is necessary to protect themselves against the use or imminent use of unlawful physical force);
3. As provided in KRS 503.070 (including when personnel believe physical restraint is necessary to protect a third person against the use or imminent use of unlawful physical force);
4. To prevent property damage as provided in KRS Chapter 503 (including when personnel believe physical restraint is immediately necessary to prevent intentional or wanton property destruction, theft, or a felony involving the use of force); and
5. As provided in KRS 503.110 (including when personnel believe physical restraint is necessary to maintain reasonable discipline in a school, class, or other group, and the force used is not designed to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress).

Use of Physical Restraint and Seclusion

SECLUSION

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

PARAMETERS

The Board has established this policy and related procedures addressing use of physical restraint and seclusion that are designed to promote the safety of all students, school personnel, and visitors. As required by 704 KAR 007:160, school personnel and parents shall be made aware of how to access this policy and related procedures. Methods of notification may include, but are not limited to, publication in the District's local code of acceptable behavior and discipline and District employee handbooks.

TRAINING

Training of personnel on use of physical restraint and seclusion shall be provided as required by 704 KAR 007:160:

- All school personnel shall be trained annually to use an array of positive behavioral supports and interventions and as further required by 704 KAR 007:160.
- A core team of selected school personnel designated to respond to dangerous behavior and to implement physical restraint of students shall receive additional yearly training in

the areas required by 704 KAR 007:160. (Exception: Core team members who are school resource officers or other sworn law enforcement officers are not required to undergo this training.)

REQUIRED PROCEDURES

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

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

NOTIFICATION REQUIREMENTS

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

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

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

Use of Physical Restraint and Seclusion

DEBRIEFING SESSION

If the parent or emancipated student requests a debriefing session following use or parental notification of the use of physical restraint or seclusion, individuals who are to participate shall be those specified by state regulation.

A requested debriefing session shall occur as soon as practicable, but no later than five (5) school days following receipt of the request from the parent or emancipated youth, unless a meeting is delayed by written mutual agreement of the parent/emancipated student and the school.

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

PARENT COMPLAINTS

Parents may submit a complaint regarding the physical restraint or seclusion of their child using the Board's grievance policy and procedures. On receipt of a complaint, the District and school

shall investigate the circumstances surrounding the physical restraint or seclusion, make written findings, and, where appropriate, take corrective action.

STATEMENTS FROM PHYSICIAN

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

DOCUMENTATION

All incidents involving physical restraint or seclusion shall be documented by a written record of each use by the end of the next school day, and the documentation shall be maintained in the student's education record. In addition, each entry shall be informed by an interview with the student and include information required by 704 KAR 007:160.

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

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

REFERENCES:

704 KAR 007:160
KRS Chapter 503: KRS 503.050, KRS 503.070, KRS 503.080, KRS 503.110
Individuals with Disabilities Education Improvement Act of 2004
Section 504 of Rehabilitation Act of 1973

RELATED POLICIES:

09.4281, 10.2

Police Officers in the Schools

School officials shall cooperate with law enforcement agencies in cases involving students (i.e., serving of subpoenas, juvenile petitions or warrants, or taking students into custody.) As soon as possible, officials shall endeavor to notify the parents of students who are arrested.[1]

When students are arrested at school, the Principal/designee shall make a written record of the identity of the officer making the arrest, the nature of the offense charged, the name of the issuing authority of any arrest warrant, and the place of custody.

CRIMES OFF SCHOOL PROPERTY

In the interest of the student's welfare, the following requirements shall be followed when police officers ask to question or remove a student from the school whom they suspect of committing a crime off school property:

1. Parents/guardians shall be notified by school officials as soon as possible.
2. If the parent(s) come to the school or consent to permit the officer(s) to interview the student, a private place for the interview shall be provided.
3. If the parent(s) cannot come to the school and do not consent to the interview, the police should be advised to either bring a warrant, court order, or juvenile petition or arrange to interview the student off the school grounds.
4. If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Families and Children representative as to whether to contact a parent.[2]

CRIMES ON SCHOOL PROPERTY

Except in cases of emergencies involving threats to health and safety as determined by the Superintendent, when the District calls law enforcement officials to question students concerning crimes committed on school property, the Principal shall make an effort to notify their parent(s).

REFERENCES:

[1]OAG 76-129

[2]OAG 85-134, OAG 92-138

RELATED POLICIES:

09.1231; 09.227

Release of Students and Student Information to Divorced, Separated, or Single Parents

The Board shall release the student or information concerning the student to a parent, guardian, or individual acting as a parent of a student in the absence of a parent or guardian unless the school has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding document which provides instruction to the contrary.

Release of the student or information concerning the student to a single parent or a divorced/separated parent will be accomplished according to the following procedures:

Unless the school has been informed and given evidence of state law or court order concerning the status of the student:

1. Both parents shall have equal access to any information concerning the students.
2. Both parents shall have the right to release of the student under their care.

REFERENCES:

20 U.S.C. 1232g, 34 C.F.R. 99.1 – 99.67
OAG 85-130, OAG 90-52

RELATED POLICIES:

01.0
09.14

Adopted/Amended: 1/14/1993

Equal Educational Opportunities

DISCRIMINATION PROHIBITED

As a reminder by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or acitivites operated by the District. Inquires 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, disability[1], 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.

RELIGIOUS ACTIVITIES

The District shall observe the rights of students to voluntarily engage in religious activities or express religious viewpoints while at school, as established by the United States Constitution and law, 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.

REFERENCES:

[1] 34C.F.R. §106.8

Bd. 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 157.226; 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

Removal of Student

Any person who threatens violence (both vocal and written expressions) or commits violent acts against staff and/or students of the McCreary County School System may face felony charges under current Kentucky laws. School administrators, teachers, or other school personnel may immediately remove or cause to be removed, threatening or violent students from a classroom setting or from the district transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not limited to:

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

For the protection of students and staff, the district reserves the right to use video surveillance of each building and campus as well as on district buses regularly or periodically.

References: KRS 160.290; KRS 160.180; Board Policy 09.4; 09.425; 09.438; 09.42

School Employee Duty to Report

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, bully, or endanger the safety of students, other staff members, or visitors to the school or District. Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall take appropriate action.

School officials are responsible for reporting to the proper authorities, which includes the

Board of Education, law enforcement having jurisdiction, the Department of Community Based Services, and any applicable investigative body when there is reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, arson, a sexual offense, kidnapping, bomb threat, assault involving the use of a weapon, possession of a firearm in violation of the law, possession/use/transfer of unauthorized substances in violation of the law, possession/use/transfer of dangerous instruments/weapons in violation of the law, or damage to property and others, or applicable instances of bullying/harassment/discrimination as deemed appropriate by school or district officials.

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:

1. The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
   a. 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 a controlled substance; or
   b. Any felony offense under the laws of this Commonwealth; and
   c. The conduct occurred on the school premises or within one thousand (1,000) feet of the school premises, on a school bus, or at a school sponsored or sanctioned event.

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 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 a written report containing:

1. The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision;
2. The student's age;
3. The nature and extent of the violation;
4. The name and address of the student allegedly responsible for the violation; and

5. Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.

An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency.

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.

Anyone acting upon reasonable cause in the making of a report required under this section in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

Neither the husband-wife nor any professional-client/patient privilege, except the attorney client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

References: KRS 158.154; KRS 158.155; KRS 620.030; a new section of KRS 158

Search and Seizure

It is the policy of the McCreary County Board of Education to protect the constitutional rights of its students regarding search and seizure activities within the school as interpreted by appropriate courts and governmental agencies.

A student in the McCreary County School System has the constitutional right to be secure in his or her person from unreasonable searches and seizures. A search of a student, or of the student's locker, desk, purse or other personal belongings, is reasonable if it is related to an educational interest and is based upon reasonable suspicion of illegal or improper activities. A search without a warrant by a school official does not violate constitutional standards if the school official has reasonable grounds to believe that a student possesses evidence of illegal activity or activity that would interfere with school discipline and order. The school official need not obtain

a warrant before searching a student or the student's locker, desk, purse or other personal belongings.

No student's outer clothing, pockets, or his/her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there are reasonable suspicion to believe the search will reveal evidence that the student has violated or is violating either a school rule or the law. Search of a student's person shall be conducted only with the express authority of the Principal.

Searches of a student's person or his or her personal effects shall only be conducted by a certified person directly responsibility for the conduct of the student or the Principal of the school which the student attends. When a pat down of student's person is conducted, the person conducting the search shall be the same sex as the student and a witness of the same sex as the student shall be present during the search. No strip searches of students shall be permitted. Students who fail to cooperate with school authorities when requested to shall be subject to other disciplinary action.

When reasonable suspicion exists that a student's automobile or the contents thereof pose a threat to student health, safety or welfare or of disruption to the educational process, the automobile may be searched.

Law enforcement officials may bring trained dogs onto school property to search for contraband (prohibited items). The alert of trained dog to an item or area shall qualify as reasonable grounds on which to base a further search.

Items that may be used to disrupt or interfere with the educational process may be removed from the student's possession by a staff member. Such items may be returned to the student by the staff member or through the Principal's office. All items that have been seized shall be turned over to the proper authorities or returned to the true owner.

All desks, lockers, and storage bins located on school premises, which have been provided by the school system are school property. Although such storage areas are permitted to be used by students for storage of books and articles of personal property, the students have no ownership interest in the desks, lockers, and storage bins. The same may be inspected at any time without notice. All students accepting the use of such storage areas shall, as a condition of being permitted such use, be deemed to have waived any possessory claim to such storage areas and students shall not have any expectation of privacy in such use.

References: KRS 161.180; OAG 79-168; New Jersey vs. T.L.O., 105 S. Ct. 733 (1985); Board Policy 09.436; New Jersey vs. T.L.L., 469 U.S.-L ED.2d 720,105 S. CT. (1985); and OAG 79-168

Social Events

Student social events may be approved by the Principal under the following conditions:

1. The door shall be controlled and admission limited to eligible students, guests, chaperones, and school personnel.
2. No one under the influence of alcohol or drugs shall be in attendance.
3. Adequate administrator and/or faculty supervision shall be provided.
4. Law enforcement shall be present for any event where it is anticipated that the nature of the crowd may pose conduct or safety problems.
5. In case of any disturbance which would jeopardize the safety of students present or threaten to deface or destroy school property, the Principal or the Principal's designee shall immediately close the event and send students from the campus.
6. The Principal may impose additional regulations as needed.

References: KRS 161.180; KRS 160.290; Board Policy 09.35

Student Disciplinary Processes

School-Related Activities

The authority of the District in matters of student behavior is not limited to school buildings and grounds or to times when the pupil is on his/her way to or from school, but extends to any activity which is school-related or school-sponsored.

Trauma-informed Approach Plan

"Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

The Board shall develop a plan for implementing a trauma-informed approach in the District. The plan shall be based on the Trauma-Informed Toolkit from the Kentucky Department of Education (KDE) and include but not be limited to:

a) strategies for enhancing trauma awareness throughout the school community;

b) conducting an assessment of the school climate including but not limited to inclusiveness and respect for diversity;

c) developing trauma-informed discipline policies;

d) collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and

e) providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.[2]

The trauma-informed approach plan shall be reviewed and updated annuallyand submitted to the KDE.

Treatment of Pupils

Student disciplinary measures should not be administered in a manner that is humiliating, degrading, or unduly severe or in a manner that would cause the pupil to lose status before his/her peer group. Teachers should guard against making remarks to other pupils concerning a student's shortcomings.

Unless an administrator or the Board acts under authority of KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a student based on juvenile court information received by the employee from any source. Administrators may act to protect staff and students when the student's conduct, as reflected by the information, indicates a substantial likelihood of an immediate and continuing threat of harm to students or staff. In cases where such actions are necessary, the following provisions shall apply:

1. Restrictions imposed on the student shall represent the least restrictive alternative available and appropriate to remedy the threat.

2. Supporting material shall be documented in and kept with the student's juvenile court record.

3. The student and/or parent/guardian may appeal actions taken to the Superintendent or to the Circuit Court with appropriate jurisdiction.[1]

Serious Problems

Serious disciplinary problems shall be promptly reported to the Principal and to the parent(s) of the student.

Council Responsibility

Each school council shall select and implement discipline and classroom management techniques for the school. The council's discipline policies shall provide for involvement of parents in disciplinary situations involving their children.

In non-SBDM schools, the Principal shall make these decisions in compliance with Board policy.

REPORTING

Each school shall annually provide to the KDE, using the student information system, an assessment of school incidents relating to disruptive behaviors resulting in a criminal or juvenile status offense or public complaint, including whether:

1. The incident involved a public offense or noncriminal misconduct;
2. The incident was reported to law enforcement or the court-designated worker and the charge or type of noncriminal misconduct that was the basis of the referral or report; and
3. The report was initiated by a school resource officer.

CHILDREN AND YOUTH WITH DISABILITIES

Discipline for children and youth with disabilities shall observe, and be in conformity with, federal and state procedures and guidelines.

REFERENCES:
[1]KRS 158.153, [2]KRS 158.4416, KRS 158.150; KRS 158.449, KRS 160.290; KRS 160.340; KRS 160.345, KRS 161.180; KRS 610.345, 703 KAR 5:225, P. L. 105-17

RELATED POLICIES:
01.111; 08.14; 09.14; 09.429; 09.438

Student Records

DIRECTORY INFORMATION

The Superintendent/designee is authorized to release Board-approved student directory information. Approved "directory information" shall be: name, address, phone number, date and place of birth, student's school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent education institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Superintendent/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

Information about the living situation of a student designated as homeless is not to be treated as directory information and is not to be disclosed unless prior written consent is given or unless the information meets one of FERPA's exceptions to required consent. The living situation is not considered directory information.

The District allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Unless the parent/guardian or student who has reached age 18 requests in writing that the District not release such information, the student's name, address, and telephone number (if listed) shall be released to Armed Forces recruiters and institutions of higher education upon their request.

Surveys of Protected Information

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child(ren) out of participation the following activities:

1. Any other protected information survey, regardless of funding;
2. 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 any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

PPRA requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Act (IDEA).

Students With Disabilities

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

Records Release to Juvenile Justice System

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency that is listed as part of Kentucky's juvenile justice system in KRS 17.125 if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent

of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

Juvenile Court Records

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Superintendent may designate an employee of the District to receive notices and carry out the Superintendent's responsibilities. The Superintendent/designee shall provide the clerk and the court-designated worker with notice of any designation and the name and contact information for the Superintendent's designee. The Principal shall then release the information as permitted by law. Only the Superintendent/designee and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact, shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record. If the petition is dismissed or informally adjusted, the clerk shall notify the Superintendent or the Principal of the disposition, and all records of the incident or notification created in the District or the school shall be destroyed and shall not be included in the child's school records. For purposes of destruction, education records created by the school shall not be destroyed. The District or school may request a statement of facts from the county attorney in a juvenile case.[2]

Records of Missing Children

Upon notification by the Commissioner of Education of a child's disappearance, the District in which the child is currently or was previously enrolled shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

Court Order/Subpoena

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. In compliance with FERPA, notice to the parent is not required when a court order directs that disclosure be made without notification of the student or parent, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party. If the District receives such orders, the matter(s) may be referred to local counsel for advice.

REFERENCES:

[1]Section 152 of the Internal Revenue Code of 1986
[2]KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345; KRS 635.010
KRS 7.110; KRS 15A.067; KRS 17.125; KRS 158.032; KRS 159.160; KRS 159.250
KRS 160.990; KRS 161.200; KRS 161.210
KRS 365.732; KRS 365.734; KRS 600.070
702 KAR 1:140; 702 KAR 3:220
20 U.S.C. 1232g et seq., 34 C.F.R. 99.1 - 99.67
20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98
OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2; OAG 93-35
Kentucky Family Educational Rights and Privacy Act (KRS 160.700; KRS 160.705
KRS 160.710; KRS 160.715; KRS 160.720; KRS 160.725; KRS 160.730)
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)
Kentucky Education Technology System (KETS)
P. L. 114-95, (Every Student Succeeds Act of 2015)
42 U.S.C. 11431 et seq. (McKinney-Vento Act)

RELATED POLICIES:

09.111; 09.12311; 09.43; 10.11

Suspension

In accordance with KRS 158.150, the superintendent, principal, assistant principal may suspend a student up to a maximum of ten (10) days per incident. Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the Superintendent/designee.

A student shall not be suspended until due process procedures have been provided as described in KRS 158.150 (09.431), unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process. In such cases, due process shall follow the suspension as soon as practical, but no later than three (3) school days after the suspension. School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur.

Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site. When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal shall review the removal as soon as

possible to determine if further disciplinary action is warranted or is the student is to be returned to the classroom.

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

In cases that involve students with disabilities, the procedures mandated by the federal and state shall be followed.

References: KRS 158.150; OAG 77-419; OAG 77-427; OAG 77-547; OAG 78-392; OAG 78-673; Goss vs. Lopez, 419 US 565 (1975); P.L. 101-476; 707 KAR 1:180; Honig vs. Doe, 108 S. Ct. 592 (1988); Board Policy 09.43

Visitors to the Schools

The McCreary County School System encourages parents and other community members to become involved in our school volunteer programs. To ensure the safety of our children, visitors are to report to the Principals office upon entering the building for identification and purpose of visit. All visitors must conduct themselves as to not interfere with the daily operation of the school programs or to infringe on instructional time. Frequency of visits must not interfere with the scheduled instructional program. No outside food deliveries during the school day other than school sanctioned events.

Visitors with disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact the District ADA/504 Coordinator for assistance and guidance. Information explaining the reason for any request must be submitted to the school and/or Central Office as soon as possible and, except for service dogs, at least ten (10) days prior to the date of the activity.

References: OAG91-137; Board Policy 10.6

Parent's Right to Know

While the Every Student Succeeds Act (ESSA) changed some expectations of No Child Left Behind (NCLB), one set of requirements for districts remained. With the beginning of the new school year upon us, it is prudent to review some of these expectations. At the beginning of every school year, districts must notify all parents of children that attend Title I-served schools about their right to request information for any of their teachers that includes:

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 college major and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree; and
4. whether the child is provided services by paraprofessionals, and if so, their qualifications.

APPENDIX

Non-Discrimination Notice

The McCreary County School System does not discriminate on the basis of race, color, national origin, age, religion, marital status, sex or disability in employment, educational programs and/or activities.

All students, staff and parents shall be afforded the protections guaranteed by the United States Constitution, Title I, II, IV, V, & IX, Individuals with Disabilities Education Act (IDEA), and other state and federal laws.

Notification of FERPA Rights

The Family Educational Rights and Privacy Act (FERPA) affords parents and "eligible students" (students over 18 years of age 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 record(s) may be inspected.

2. *The right to inspect and review logs documenting disclosures of the student's education records.*

Except for disclosure to school officials, disclosure related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to the parent or eligible student, FERPA regulations require the District to record the disclosure.

3. *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.

4. *The right to provide written consent prior to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.*

Exceptions that permit disclosure without consent include, 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 volunteer or an outside 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 a 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 to the District. Upon request, disclosure of education records without parent/eligible student notice or consent to officials of another school district in which a student seeks or intends to enroll or to other entities authorized by law.

Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable, and significant health/safety threat. Disclosure to state and local education authorities and accrediting organizations subject to requirements of FERPA regulations.

5. The right to notify the District in writing to withhold information the Board has designed as directory information as listed in the annual director information notice the District provided to parents/eligible students.

To exercise this right, parents/eligible student notify the District by the deadline designated by the District.

6. The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U.S. Armed Forces and its service academies, the Kentucky Air National guard, and the Kentucky Army National Guard.

Unless the parent or eligible student requests in writing that the District not release information, the student's name, address, and telephone number shall be released to Armed forces recruiters upon request.

7. 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

Notification of Directory Information Release

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the McCreary County School System, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, we may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures.

Directory information is information contained in an educational record which would not generally be considered harmful or an invasion of privacy if disclosed. This information may be released to the news media, athletic organizations, scholarship committees, military recruiters, or other outside organizations. School officials may disclose directory information without consent if the school has given public notice to parents and eligible students of the types of personally identifiable information designated as directory information and provides them an opportunity to refuse to permit all or part of such disclosure. Directory information includes but is not limited to the student's name, address, telephone listing, photograph, dates of attendance, grade level, date and place of birth, participation in school recognized sports and activities, height and weight of

members of athletic teams, dates of attendance, awards received, major field of study and the most recent/previous educational institution attended.

The parent, guardian, or eligible student currently enrolled may request all or part of the directory information be withheld. The request must be in writing to the Principal of the child's school with in 30 calendar days after notification has been distributed. The written request must specifically state what information may not be classified as directory information.

References: KRS 160.725(1); KRS 160.700(1)

Notification of Rights under the Protection of Pupil Rights Amendment

PPRA affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collections and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one 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 (ED)
-

    1. Political affiliations or beliefs of the student or student's parent;
    2. Mental or psychological problems of the student or student's family.
    3. Sex behavior or attitudes
    4. Illegal, anti-social, self-incriminating, or demeaning behavior;
    5. Critical appraisals of others with whom respondents have close family relationships;
    6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
    7. Religious practices, affiliations, or beliefs of the student or parents; or
    8. Income, other than as required by law to determine program eligibility.

- Receive notice and an opportunity to opt a student out of –

    1. Any other protected information survey, regardless of funding;
    2. 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; and

3. 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 –

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

The McCreary County School System will/has develop(ed) and adopt(ed) policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of sales, or other distribution purposes. The McCreary County School System will directly notify parents and eligible student of these policies at least annually at the start of each school year and after any substantive changes. The McCreary County School System will directly notify parents and eligible students, such as through U.S. Mail or email, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parent/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Notification of No Child Left Behind Act

Parents have a right to request information on the professional qualifications of their children's teachers and paraprofessionals.

Notification of Parent Involvement Policy

It is the intent of the Board that parents of participating students shall be provided with flexible opportunities for organized, on-going, and timely participation in the planning, review, and improvement of the Title I program, including opportunities to suggest modifications, based on changing needs of parents and the schools.

All comments indicating parents' dissatisfaction with the Title I plan shall be collected and submitted along with the plan to the Department of Education.

The Title I program shall be designed to assist students to acquire the capacities and achieve the goals established by law, as well as the goals and standards established by the Board. These goals and standards shall be shared with parents in a manner that will give them: (1) timely information about programs; (2) a description and explanation of the school's curriculum, the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet; the achievement level of their child on each of the state academic assessments; and (3) if requested, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to the education of their children.

The District will provide coordination, technical assistance, and other support necessary to assist schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance.

Each school shall submit to the Superintendent and Board, for review and comment, its Title I school parent involvement policy, which must meet all legal requirements, including a school-parent compact developed in keeping with 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 accompanying checklist shall be kept on file in the Central Office.

References: Section 1118 of Improving American's Schools Act (LASA of 1994 P.L. 107110 (NCLB) KRS 158.645; KRS 158.6451, Board Policy 03.112, 08.1345, 09.11

Notification of Destruction of Records (Due Process Folders)

In accordance with the Kentucky Department for Libraries and Archives (KDLA) Public School Model Records Retention Schedule, Special Education Due Process Folders will be destroyed/purged three (3) years from the last possible activity of the student. Authorized parties (students or parents/guardians) wishing a copy of student's records before the destruction, must contact the Special Education Director's office no less than 30 days prior to the day that the student reaches age 24 and must pick up the records no later than the day the student reaches 24 years of age.

Notification of Waiver of Fees

No child shall be denied full participation in any educational program due to an inability to pay for, or rent, necessary school supplies including textbooks.

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify for free and reduced price meals. At the beginning of the school year or at the time of enrollment, all students who qualify shall be given clear and prominent written notice of the fee waiver provisions. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.

References: KRS 158.108; KRS 160.330; 702 KAR 003:220; Board Policy 09.15; 09.15; AP.1

Behavior Definitions

1. Arson – Starting or attempting to start a fire in a school building. (KRS 513.010)

2. Assault – Physical attack of one person or a group of persons on another with the intent to injure. Physical sexual abuse of any kind is also considered assault. (KRS 568.010- 030)

3. Bomb threat – Making a threat that a bomb has been placed in or is about to explode in a school building, on school grounds, in a school bus, at a bus stop, or at any school sponsored activity. House Bill 1 states that making a bomb threat is a felony under Kentucky law. (KRS 508.080)

4. Disturbing class – Disruptions as defined by written referrals from classroom teachers to the Principal.

5. Dangerous instruments or fireworks, possession of – Dangerous instruments include any instrument, article, or substance, readily capable of causing death or serious physical injury. Dangerous instruments shall include pocketknives and hunting knives of all types.

6. Deadly weapons, possession of – The possession of any weapon/look alike weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged; billyclub, nightstick, or club; blackjack or slapjack; nunchaku karate sticks; shuriken or death star; or artificial knuckles made from metal, plastic, or other similar hard material.

7. Defiance of authority – Willful refusal by a student to follow reasonable directives of authorized school personnel or to accept disciplinary measures.

8. Disorderly conduct – In this class are placed all charges of committing a breach of the peace.

9. Drug abuse violations – (09.423) See KRS 514.030-KRS 020, KRSA218A.010.

10. False fire alarm – Sounding a school fire alarm or alerting the fire department or any school employee when there is no fire. (KRS 519.040)

11. Fighting – Students who willfully engage in the use of physical force.

12. Forgery – Falsely using the name of another person or falsifying documents or correspondence.

13. Gambling – Any game of chance for the express purpose of exchanging money or property.

14. Harassment /discrimination – Intimidation by threats of actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such a manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. (KRS 525.060)

15. **Inappropriate sexual behavior –** Inappropriate conduct defined by accepted social and legal standards.

16. Profanity or vulgarity – The use of words or gestures generally considered to be socially unacceptable.

17. Liquor laws violation – See KRS 514.030 – KRS 244.020.

18. Theft – Taking property belonging to the school or another person.

19. Tobacco violation – The use or possession of any tobacco products by students. Use of any tobacco product is prohibited in any building owned or operated by the Board. **(09.4232)** KRS 438.050. Public Law 103-227 Use or possession of tobacco or tobacco products in any form is prohibited during regular school hours. This includes electronic cigarettes. Regular school hours shall be defined as the six (6) hour day and any time which may be added to the six (6) hour day by the Principal or at any school related event, on or off campus. Prohibitions: All use of tobacco products or electronic cigarettes by students on school premises or on school buses is prohibited. Students shall not possess, smoke, or use tobacco products or electronic cigarettes in any school sponsored or endorsed activity while said student is a participant in such activity.

20. Vandalism – Unprovoked or willful destruction, defacing or marring of property located on school premises. Negligent – with restitution or Intentional – with restitution.

21. Weapons – KRS 527.020. The possession of any instrument, such fireworks, explosives, knives, clubs, guns, chains (capable of being used as a weapon), metal combs, razor blades, mace, and the like that can be used to inflict bodily injury to another person.

Level I Misconduct

Level I Misconduct on the part of the student is defined as minor infractions which impede classroom procedures or interfere with the orderly operation of the school. Level I Misconduct can usually be handled by the classroom teacher, but sometimes may require the intervention of other school support personnel.

The Following Examples of Misconduct and Suggested Responses Are Not All Inclusive

Examples of School Level I Misconduct

1. Hall misbehavior
2. Restroom misbehavior
3. Playground misbehavior
4. Cafeteria misbehavior
5. Failure to follow class or school rules
6. Failure to do class work and assignments
7. Bringing unauthorized items to school (radios, pets, etc.)
8. *Use of a telecommunication device (Cell phone, iPad, iPod, etc.) on school property during school hours; unless approved by teacher or principal
9. Minor classroom disturbances

Suggested Response Options

1. Parent Contact
2.Withdrawal of privileges
2. Verbal or non-verbal reprimand
3. Counseling/Behavioral Contract/Functional Behavioral Analysis
4. Special assignment that is of educational value
5. Teacher/student conference

Examples of Level I Bus Misconduct

1. Failure to obey driver's instructions
2. Foul language or inappropriate gestures
3. Failure to stay seated
4. Hanging hand, arms, and/or legs out windows
5. Eating or drinking on bus

6. Throwing paper or other objects on floor
7. Inappropriate display of affection
8. *Use of a telecommunication device (Cell phone, iPad, iPod, etc.) on a school bus; unless approved by teacher or principal

*2nd Offense: Level 1 Misconduct; confiscated and returned to parent/guardian after 3 school days

Suggested Response Options
1. Verbal reprimand by driver
2. Assignment of seat by driver
3. Discipline referral to principal

Level II Misconduct

Level II Misbehavior is conduct whose frequency or seriousness tends to disrupt the learning climate of the school and often result from the continuation of Level I Misbehaviors. These types of misbehaviors are serious enough to require action by an administrator or his/her designee.

The Following Examples of Misconduct and Suggested Responses Are Not All Inclusive

Examples of School Level II Misconduct

1. Habitual Level I Misbehaviors
2. Truancy
3. Profanity/vulgarity/abusive language
4. Deliberate disruption
5. Skipping class
6. Cheating/copying
7. Gambling
8. Smoking or using tobacco/electronic cigarettes
9. Displaying any unacceptable contact of a sexual nature (kissing, petting, etc.)
10. Violation of dress code
11. Selling or attempting to sell or distribute any object or substance which has not been authorized for sale or distribution by the administration
12. Forgery
13. Abuse of driving privilege
14. *Use of a telecommunication device (cell phone, iPad, iPod, etc.) on school property during school hours; unless approved by teacher or principal.

Suggested Response Options

1. Notify parents
2. Teacher-pupil conference
3. Parent-teacher conference
4. One day in-school suspension

5. Suspension (1-3 days)
6. Counselor Referral with parent permission

Examples of Bus Level II Misconduct

1. Failure to ride assigned bus
2. Failure to sit in assigned seat
3. Throwing objects out of the bus
4. Use of tobacco products /electronic cigarettes
5. Leaving the school bus at an unscheduled stop without an authorized "bus pass"
6. Use of a telecommunication device (Cell phone, Pager, etc.) on a school bus; unless approved by a teacher or Principal

Suggested Response Options

I. Discipline referral to principal
2. Use of any tobacco product /electronic cigarettes carries an automatic one day bus suspension
3. Principal may exercise any Level II Response
4. Loss of non-educational field trip privilege

Level III Misconduct

Level III Misconduct refers to acts directed against another's person or property but whose consequences do not seriously endanger the health or safety of others in the school. These acts can usually be handled by the disciplinary mechanism in the school.

The Following Examples of Misconduct and Suggested Responses Are Not All Inclusive

Examples Of School Level III Misconduct

1. Habitual Level II misbehavior
2. Fighting
3. Vandalism (under $100)
4. Leaving school grounds without permission
5. Defiance of authority
6. Theft
7. Sexual harassment, sending or displaying offensive messages or pictures
8. Being insubordinate or showing disrespect toward a school employee, student or guest of the school
9. Violation of the conditions of detention and/or suspension
10. Failure to inform a school official of FIRST HAND knowledge of potential harm or threats to a member or members of the school community or FIRST HAND knowledge of an individual's possession of or intent to bring a gun or deadly weapon to school.
11. Name calling, bullying intimidation, physical or verbal harassment.
12. Indecent exposure.

13. Possession of a "look alike" controlled substance.
14. Possession of a pocket knife with a blade of less than or equal to 3 ½".
15. Displays or Acts of a sexual nature (Exceeding a Level II misconduct violation).

Suggested Response Options

1. Notify parents and require restitution for damaged property
2. Confiscation of materials
3. In-school suspension (3 to 10 days)
4. Extended school day detention
5. Referral for counseling sessions with parent permission
6. Schedule/placement change
7. Suspension (3-5 days)
8. Referral to Smoking Cessation Program
9. Possible referral to Law Enforcement
10. Placement in the McCreary County Cadre or Alternative Placement

Examples of Level III Bus Misconduct

1. Fighting
2. Vandalism (under $100)
3. Throwing objects at the driver
4. Harassment of driver

Suggested Response Options

1. Discipline referral to principal
2. Principal may suspend bus privileges for 4-10 days
3. Principal may use any Level III Response
4. Loss of non-educational field trip/s
5. Driver may call the bus garage for

Level IV Misconduct

Level IV Misconduct is evidenced by acts that result in violence to self or to another's person or property or presents a direct threat to the safety of self or others in the school. A "threat" shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods. Threatening or violent behavior shall include, but not be limited to:

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.

2. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

These acts may be serious enough to be considered criminal and may require immediate administrative action. That action may entail immediate removal from school, the intervention of law enforcement authorities and action by the school board. School principal/designee shall immediately notify the Superintendent.

The Following Examples of Misconduct and Suggested Responses Are Not All Inclusive

Examples of School Level IV Misconduct

1. Habitual Level III Misbehavior
2. Bomb threat/false fire alarm
3. Possession of a dangerous instrument/deadly weapon on school property; ex. knife with blade in excess of 3 ½"
4. Possession of a "look alike" weapon
5. Arson or possession of fireworks
6. Sexual abuse
7. Fighting/striking a faculty member
8. Extortion
9. Terroristic threatening
10. Threat of self harm
11. Possession or use of drugs, alcohol or any controlled substance on school property or during a school function

Suggested Response Options

1. Immediate parent notification
2. Police involvement
3. Refer to social services
4. Suspension (5-10 days)
5. Board action may result in expulsion for up to 12 months (For suspension and expulsion procedures involving students in special education, refer to the McCreary County Procedures for Student with Disabilities)
6. Immediate removal from school grounds
7. Mandated counseling
8. Charges filed in District Court
9. Placement in the McCreary County Cadre or Alternative Placement
10. Completion of a board-adopted threat assessment

Examples of Level IV Bus Misconduct

1. Possession or use of drugs, alcohol or any controlled substance on the bus
2. Possession of a dangerous instrument on a school bus or deadly weapon; ex. knife with blade in excess of 3 ½"
3. Throwing items out of the bus

Suggested Response Options

1. Driver is to immediately call bus garage for specific instructions from law enforcement officials
2. Restitution
3. Loss of non-educational field trip/s

4. Loss of bus privileges for extended time

Level V Misconduct

Level V misconduct is evidenced by acts that result in violence to another's person or property or present a direct threat to the safety of others in the school. These acts are serious enough to be considered criminal and require immediate administrative action, which will entail an immediate removal from school, the intervention of law enforcement authorities, and action by the school board. School Principal/Designee shall immediately notify the Superintendent.

The Following Examples of Misconduct and Suggested Responses Are Not All Inclusive

Examples of School Level V Misconduct
1. Repeated charge of possession or use of drugs, alcohol, or any controlled substance on school property or during a school function
2. Trafficking drugs, alcohol, or any controlled substance on school property or during a school function. Trafficking is defined as manufacturing, selling, or transferring a controlled substance or possession with the intent to manufacture, distribute, dispense, or sell a controlled substance.
3. Habitual level 4 misconduct

Examples of Level V Bus Misconduct
1. Second charge of possession or use of drugs, alcohol or any controlled substance on the bus

Suggested Response Options

1. Charges filed in District Court

2. Thirty-six (36) week placement in an alternative setting

3. Expulsion for up to twelve (12) months

4. Incidences involving drugs, alcohol and other prohibited substances refer to board policy 09.423

(For suspension and expulsion procedures involving students in special education, refer to the McCreary County Procedures for Students with Disabilities)

Mandatory Response

1. Driver is to immediately call bus garage for specific instructions from law enforcement officials

Misuse of District Technology

Misuse of district technology shall result in a discipline response based upon the level of the offense

McCreary County Schools Directory

Elementary Schools	Phone/Fax
Pine Knot Primary (Building 1) (Grades K-2)	354-2161
PKP (Building 1) Fax	354-4466
Pine Knot Intermediate Building 2) (Grades 3 -5)	354-2511
PKI (Building 2) Fax	354-9353
Whitley City Elementary School	376-2690
WCES Fax	376-4150
Middle School	
McCreary County Middle School	376-5081
MCMS Fax	376-9580
High School	
McCreary Central High School	376-5051
MCHS Fax	376-7045
McCreary County Board of Education	
District Office	376-2591
District Office Fax	376-5584
Transportation Garage	376-8199

🌟 McCreary County Preschool Discipline Policy Statement

At our preschool, we believe that every child should feel safe, respected, and welcomed. It is built on a foundation of respect, understanding, and proactive support for every child's social and emotional development. We are committed to treating all children fairly and kindly, no matter their background, race, culture, ability, or family situation. We honor each child's unique strengths, backgrounds, cultures, identities, and experiences.

🚫 What Discipline is Not

We **do not allow corporal punishment** of any kind. This means:

- No hitting, spanking, shaking, or any form of physical punishment.
- No yelling, threatening, or embarrassing a child.
- Making a child feel that they are "bad."

· Taking away or threatening to take away essential items or activities such as snacks, play time, recess, or rotation classes.

These actions are harmful and do not help children learn.

✅ What We Do Instead

We use **positive guidance** to help children learn how to behave and solve problems. This includes:

- Teaching children how to talk about their feelings.
- Helping children learn to get along with others.
- Guiding children in the process of learning to work together to solve their problems.
- Giving children clear rules and reminding them often.
- Praising good choices and helping with tough ones.

When a child has a hard time, we stay calm, offer support, and teach them better ways to act.

💬 Working Together

We believe that families are our partners. If your child is having behavior challenges, we will:

- Talk with you in a respectful way.
- Work together to come up with a plan that helps your child.
- Bring in extra help if needed, like a behavior coach or counselor.

We want you to feel welcome and included in all decisions about your child.

📊 Being Fair to Everyone

We look closely at our discipline practices to make sure all children are treated fairly. We:

- We ensure discipline supports each child's growth, not punishes it.
- Watch for patterns that may affect some children more than others.
- We engage in positive behavior strategies.
- Use data to check if we are being fair across different groups of students.
- Work with families, professionals, and educators to make changes if we see a problem.

Our teachers and leaders are trained to use fair and respectful behavior strategies that support all children.

💖 Our Promise

- **We will never use physical punishment.**
- **We will help children learn with kindness and support.**
- **We will work with families to help every child succeed.**
- **We will treat all children with fairness and respect.**

Our Approach to Challenging Behavior

We understand that challenging behaviors are a normal part of early childhood development. Our professionals are trained to view these behaviors not as defiance, but as opportunities for learning and growth.

We define **challenging behavior** as any behavior that:

- Interferes with a child's learning, development, and success at play.
- Is harmful to the child, other children, or adults.
- Puts a child at high risk for later social problems or school failure.

The Pyramid Model Framework

We utilize the **Pyramid Model** as our framework for Response to Intervention (RTI), promoting young children's healthy social and emotional development. This model emphasizes a tiered approach to support, ensuring that all children receive the guidance they need.

Tier 1: Universal Promotion of Social Development

We **set the stage for success** for all children by employing an effective staff, preparing high-quality supportive environments, and building and maintaining nurturing and responsive relationships. This **universal promotion of social development** includes:

- **Thoughtful Environmental Design:** Staff design the physical environment to minimize conflict.
- **Age-Appropriate Expectations:** Staff maintain age-appropriate expectations for children's behavior.
- **Attentive Observation and Supervision:** Adults closely observe and supervise children's activities and interactions.

Tier 2: Secondary Prevention Practices

Secondary prevention practices target social-emotional strategies to **prevent problems** from escalating. Adults provide explicit instruction and support by **modeling self-regulation** and **coaching children to express and understand emotions**. Staff demonstrate that we can accept, manage, and communicate feelings in direct and non-aggressive ways. We want children to know, through our words and actions, that we are not fearful of their intense emotions and will not punish, threaten, or withdraw from them.

- **Positive Problem-Solving:** Staff help children describe problems, generate possible solutions, and think through logical consequences of their actions.

Tier 3: Tertiary Interventions

Tertiary interventions provide **individualized support** for children with persistent challenges. Such interventions emphasize skill-building and include graduated behavior supports. General guidelines include:

- **Positive and Productive Guidance:** Guidance will always be positive, productive, and immediate when behavior is not in alignment with classroom expectations.

- **Safe and Supportive Temporary Relocation:** Children whose behavior endangers others will be temporarily supervised in a safe location within the indoor or outdoor classroom. Staff do not use seclusion or "time out" (the traditional chair in the corner). The intention of this intervention is for adults to support **co-regulation**. Staff will model and coach self-calming strategies. As the child appears ready, they will then process the problem with the staff member and any other concerned parties. Staff stay close to support emotional needs, ensure all children's safety, and prompt prosocial skills to support the child's successful reentry into play and learning.
- **Individualized Action Plans:** For children with persistent, serious, challenging behavior, teachers, families, and other professionals work as a team to observe, document, and **develop and implement an individualized action plan of graduated behavior supports** that will address the behavior and facilitate the child's inclusion and success.

PLEASE READ CAREFULLY AND SIGN

Please sign and return this form to your child's teacher or school.

I have read and understand that I have access to hard copy the McCreary County Schools Code of Acceptable Behavior and Discipline "The Code" or electronically on the school's website, www.mccreary.kyschools.us.

Homeroom Teacher's Name_____

Printed Student Name_____

Student Signature Date_____

Printed Parent Name_____

Parent Signature _____

Date _____