JEFFERSON COUNTY
PUBLIC SCHOOLS

Code of Acceptable Behavior and Discipline and the Student Bill of Rights

2011–12

DRAFT

Revised 2011

Jefferson County Public Schools
Shaping the Future

Directory Information Opt-Out Form

For All Students

Complete this form to exercise your right to privacy.

The district has designated a student's **name, address**, **grade level, ~~and~~ major field of study,** and honors and awards as directory information. If you **do not** want this information released to people requesting directory information, **the parent/guardian or eligible student (18 years of age or older) must sign this form and return it to the school office within one month after enrollment.**

I hereby exercise my rights under state and federal law and hereby request that the name, address, grade level, major field of study, and honors and awards of _____ (student name), currently a student at _____ (school name), **not** be released without prior written consent.

Signed by (Check one.): ❒ eligible student ❒ parent/guardian

_____ Signature

_____ Name (Please print.)

_____ Address

_____ City/State/Zip

Military Recruiter Opt-Out Form

For High School Students Only

Complete this form to exercise your right to privacy.

If you **do not** want the student's name, address, and telephone number released to **military recruiters**, **the student (regardless of age) or parent/guardian must sign this form and return it to the school office within one month after enrollment.**

I hereby exercise my rights under state and federal law and hereby request that the name, address, and telephone number of _____ (student name), currently a student at _____ _____ (school name), **not** be released to military recruiters without prior written consent.

Signed by (Check one.): ❒ student ❒ parent/guardian

_____ Signature

_____ Name (Please print.)

_____ Address

_____ City/State/Zip

For an explanation of the state and federal laws applicable to this form, see the *Code of Acceptable Behavior and Discipline* and the *Student Bill of Rights.*

Please cut this form from the booklet, and return it to your child's teacher.

_____ _____
Student's Name Teacher

JEFFERSON COUNTY BOARD OF EDUCATION
Louisville, Kentucky

ACKNOWLEDGMENT OF RECEIPT OF

Code of Acceptable Behavior and Discipline

As the parent/guardian of _____,
I have read and discussed the *Code of Acceptable Behavior and Discipline* with my child.

_____
Parent's/Guardian's Signature Date

_____
Parent's/Guardian's Signature Date

_____
Student's Signature Date

Please sign this form and return it to the school office within one month after enrollment.

A Message from the District

The Jefferson County Public School (JCPS) District works to provide safe and orderly schools. We recognize that discipline is one of the keys to a positive learning environment. We hold high expectations for students' respectful behavior, and we encourage students to demonstrate responsibility. Our goal is to help students develop a keen sense of discipline that comes from within them and that does not have to be imposed by adults or peers.

This two-part booklet is one step on the way to achieving that goal. The first part, the *Code of Acceptable Behavior and Discipline*, describes how we expect students to conduct themselves. It explains the process that staff members use to enforce the code, and it outlines consequences for misbehavior. The second part, the *Student Bill of Rights*, describes how staff members ensure that students' rights, as guaranteed by law, are protected. Your understanding and observance of these fundamental rules will enable all of us to focus our attention on our primary mission of teaching and learning.

Every student and parent/guardian should take the time to read and discuss this booklet together in detail. Students should not only be aware of the specific rules but also understand their rights and responsibilities. Parents/Guardians, we urge you to set appropriate expectations for your child's behavior and to support school staff in the event your child is disciplined.

Once you have read this booklet, sign the form on page 3 and return it to the school. This response will signify that you are knowledgeable of the booklet's contents. If you have questions about disciplinary processes—at any time during the school year—please contact your principal.

At the heart of the *Code of Acceptable Behavior and Discipline* and the *Student Bill of Rights* is our best effort to help our schools be just, caring, and respectful places that support the well-being of all students. We truly appreciate your cooperation in helping us foster JCPS as a successful and respectful learning community.

Table of Contents

Directory Information Opt-Out Form 1

Military Recruiter Opt-Out Form 1

Acknowledgment of Receipt Form 3

District Message 5

Introduction 8

Student, Staff, and Parent/Guardian Responsibilities 8

Misbehavior on the School Bus 9

Local School Rules 9

Due Process 9

Right to Counsel 9

Physical Restraint 9

Harassment/Discrimination 9

Bullying/Hazing 9

Retaliation Prohibited 9

The Discipline Process 10

Classroom Teacher's Disciplinary Measures 10

Administrator's Disciplinary Measures 10

Central Office Administrator's Disciplinary Measures 10

Board of Education's Disciplinary Measure 10

Discipline Referral Procedures 10

Parent/Guardian Conference 11

The Role of the School Guidance Counselor 11

Suspension Procedures 11

Suspension Truancy Off-Site Program 11

Formal Hearing 11

Suspension/Expulsion Procedures for Exceptional Child Education (Special Education) Students 12

Suspension/Expulsion Procedures for Students Disabled Under Section 504 12

Due Process and Appeal 12

Appeal Procedure for Short-Term/Local School Suspensions—One to Five School Days 13

Appeal Procedure for Long-Term/Central Office Suspensions—6 to 20 School Days 13

Appeal Procedure for Long-Term/Central Office Suspension With Recommendation for Placement in an Alternative School 13

The Appeal Process 14

Appeal Procedure for Placement in an Alternative School 15

Expulsion 15

Zero Tolerance 15

Zero Tolerance to Use of Tobacco Products 15

Zero Tolerance to Drugs and Alcohol 16

Possession/Under the Influence 16

Zero Tolerance to Violence 16

Aggressive Behavior 16

Assaultive Behavior 16

Alternative Placement Offenses 17

Removal From the Classroom 17

Alternative Programs 17

Youth Gangs 17

Weapons/Dangerous Instruments 17

Look-Alike Weapons and Drugs 17

Criminal Violations 18

Violations/Student Misconduct 18

Elementary School Behavior Violations and Consequences 18

Middle and High School Behavior Violations and Consequences 19

Discipline Procedures for Early Childhood Preschool Students 20

Behavior Violations 20

Attendance/Truancy Policy 20

Make-Up Work 21

Telecommunication Devices 22

Electronic Equipment 22

JCPSNet Student Acceptable Use Policy 22

Student Searches 23

Student Bill of Rights Preamble 27

Student Bill of Rights (1–13) 27

Discrimination Grievance Procedure 29

Glossary 30

Index 32

The ***Code of Acceptable Behavior and Discipline*** and the ***Student Bill of Rights*** shall be posted at each school.

For help in mediating harassment/discrimination issues, contact the JCPS Compliance and Investigations director at 485-3341.

Introduction

The JCPS District has a responsibility to provide an education for the children in its district. Under law, this right cannot be taken away without cause. Students have the responsibility to conduct themselves in a way that does not interfere with the rights of other students to an education nor with the school's ability to provide it. The Kentucky General Assembly has found that "every student should have access to a safe, secure, and orderly school that is conducive to learning" (KRS 158.440). This *Code of Acceptable Behavior and Discipline* outlines proper student behavior. It was developed by students, parents, teachers, school administrators, and community leaders and adopted by the Jefferson County Board of Education.

Every student, parent/guardian, and school staff member receives a copy of the code and receives instructions on how to use it. Staff members may use reasonable judgment on how to apply the code, but the code will be enforced fairly and equitably without discrimination. Students are responsible for following the code from the time they leave home for school until they return home after school and whenever they are on school property, on the school bus, or at any school-sponsored event.

This code was adopted by the Jefferson County Board of Education on November 21, 1977, and was revised in 1979, 1980, 1982, 1985, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2007, 2008, 2009, and 2011.

Student, Staff, and Parent/Guardian Responsibilities

A student's responsibilities are to:

- Be at school every day unless an absence is excused.
- Bring notes from parents/guardians or ~~physicians~~ medical professionals for excused absences.
- Be on time and prepared for school and classes.
- Sign in or out of school on entry/exit logs.
- Understand and obey school and classroom rules and follow the *Code of Acceptable Behavior and Discipline.*
- Complete classwork and homework on time.
- Work to excel academically.
- Respect the rights and property of students and staff.
- Behave in a safe and responsible manner.
- Behave respectfully to others, avoiding profanity, insults, threats, and harassment.
- Follow the school dress code and use proper hygiene.
- Ask teachers or school staff members for help with problems/concerns.
- Report to a classroom teacher or school staff member, when necessary, a violation of the *Code of Acceptable Behavior and Discipline*.
- Practice good citizenship by being helpful and honest whenever there is a problem.
- Complete and sign a student-dropout questionnaire if the student is 18 years or older and is dropping out of school.

A staff member's responsibilities are to:

- Keep accurate records of grades, attendance, and behavior.
- Maintain entry/exit logs for students who are not present for the entire instructional day.
- Engage each student in the educational process to promote appropriate behavior.
- Inform the parent/guardian early about attendance, behavior, and/or academic problems.
- Assign appropriate classwork and homework and provide clear directions.
- Create a classroom environment in which students can ask for help and feel safe and respected.
- Help students understand class and school rules and the *Code of Acceptable Behavior and Discipline*.
- Assist the parent/guardian in finding help with health and social problems.
- Seek training and education in the establishment of safe and successful schools.
- Employ fair and consistent discipline to teach students responsible behavior.
- Set high expectations for student behavior and academics and help students reach their goals.
- Refer to the principal/designee for reports of code violations that may warrant suspension or expulsion of a student or for a report that may be required by law.
- Encourage all students to participate in school activities.
- Be a role model who demonstrates self-control and responsible citizenship in the school.

A parent's/guardian's responsibilities are to:

- Stress to his or her child the importance of an education.
- Keep the school up to date on telephone numbers and address changes, medical problems, and family or social problems that may affect his or her child's school performance.
- Notify the school on the day on which his or her child is absent.
- Send his or her child to school on time every day.
- Provide notes to explain and confirm excused absences and tardies within three school days of the student's return.
- Make sure that his or her child has time, space, materials, and help for homework.
- Be involved in what goes on in school and attend parent-teacher conferences.
- Support the school's discipline measures and assist the school with discipline when needed.
- Keep up to date with his or her child's progress and review, sign, and return progress reports and report cards.
- Review the *Code of Acceptable Behavior and Discipline,* the *Student Bill of Rights,* and the school rules with his or her child.
- Provide, upon enrollment, a sworn statement on an official form when a student has been adjudicated guilty/expelled for an offense involving weapons, alcohol, and/or drugs.
- Complete and sign a student-dropout questionnaire when his or her child who is 16 years old, but not yet 18, drops out of school.

- Ensure that his or her child has current immunizations and required medical examinations.
- Expect his or her child to dress appropriately, to abide by the school's dress code, and to practice good hygiene.
- Expect his or her child to be responsible and respectful and to behave appropriately in school.
- Pay required fees and fines (unless on fee waiver).

Misbehavior on the School Bus

Student safety is a top priority, and misbehavior on a school bus will not be tolerated. The local school has authority over students from the time they leave home in the morning until they return home in the afternoon. This means that the school administrator will address a student's behavior on a school bus with disciplinary actions, which may include suspension of bus privileges, in-school disciplinary measures, suspension/expulsion from school, and/or placement in an alternative school. If suspension from a school bus prevents an Exceptional Child Education (ECE) student from attending school, the ECE suspension procedures on page 12 must be followed. School administrators, teachers, or other school personnel may remove immediately or cause to be removed threatening or violent students from the district's transportation system pending any further disciplinary action that may occur. The employee is responsible for implementing a procedure(s) established by the superintendent, which will ensure the safety of all students and staff. A student cannot be suspended from the bus for more than ten days in a school year without permission from the executive director of Student Relations and Safety.

Local School Rules

The Jefferson County Board of Education is responsible for formulating the *Code of Acceptable Behavior and Discipline* to apply to its students in each school. All schools shall provide a list of local school rules and in-school discipline measures consistent with the code as adopted by the Board. The school rules will be developed and adopted by the School-Based Decision Making (SBDM) Council or by the principal, with help from staff, parents/guardians, and students in non-SBDM schools.

Due Process

Whenever a student is accused of committing a violation of the *Code of Acceptable Behavior and Discipline*, he or she has the right to due process. This means that he or she must:

1. Be informed of the charges and evidence,
2. Be provided with an opportunity to present his or her side of the case, and
3. Be provided with an opportunity to appeal the decision.

Due-process procedures will be followed before any suspension, unless immediate suspension is necessary to protect persons or property or to avoid disruption of the ongoing educational process. In such cases, due-process procedures must be followed within three school days.

The appeal process for a suspension is outlined on pages 12 through 15.

Right to Counsel

Persons who are involved in any disciplinary process have the right to legal representation at their own expense.

Physical Restraint

Under KRS 161.180, school staff may use reasonable physical force to restrain a student whenever it is necessary for self-defense, to protect people or property, or to keep order in the school.

Harassment/Discrimination

Harassment/Discrimination is intimidation by threats of or acts of physical violence or the expression of hatred, contempt, or prejudice toward an individual for any reason. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical behavior of a sexual nature.

Harassment/Discrimination of any type is not permitted. A student has the right to attend school free from harassment and should not be subjected to discrimination for any reason. Schools will strive to ensure that these rights are protected and that offenders receive appropriate consequences.

Bullying/Hazing

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

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Students who violate this policy shall be subject to appropriate disciplinary action.

Retaliation Prohibited

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.

The Discipline Process

Most discipline is handled by teachers in the classroom. When in-class measures do not correct a misbehavior, the teacher or staff member will submit a written discipline referral to the appropriate administrator. The administrator may use in-school measures or may suspend the student from 1 to 20 days, depending on the seriousness of the misbehavior. A student suspended for one to ten days generally has an informal hearing before he or she is suspended. If the suspension is for more than ten days, a formal hearing is conducted unless that hearing is waived by the parent/guardian.

The discipline of ECE students with disabilities is subject to state and federal law in addition to *The Code of Acceptable Behavior and Discipline*. To the extent any conflict exists, state and federal law will prevail. In deciding disciplinary measures, the local school will take into consideration the district's ECE procedures if the conduct in question was caused by or had a direct and substantial relationship to the student's disability or was the direct result of the school's failure to implement the Individual Education Program (IEP).

For serious misbehavior or if previous measures have failed to correct behavior problems, a student may be assigned by the assistant director of Student Relations to an alternative school, where the school is equipped to deal with and correct behavior problems. A principal also may recommend that a student be expelled. Students may be expelled only by the Board of Education (KRS 158.150).

Following is a partial list of disciplinary measures that are available for the classroom, school, Central Office, and the Board of Education.

Corporal punishment is prohibited.

Classroom Teacher's Disciplinary Measures

- Posted rules/Clear expectations
- Seating assignments
- Modeling appropriate behavior
- Cues/Signals of approval/disapproval of behavior
- Verbal reprimand
- Notification to parent/guardian or parent/guardian conference
- Assignment of constructive assignments/tasks
- Student-teacher conference
- Assignment to class/team detention
- Development of behavior contract
- Temporary classroom isolation from other students
- Referral to guidance counselor
- Referral to principal/designee

Administrator's Disciplinary Measures

- Parent/Guardian conference
- Temporary restriction from school activities ~~(e.g., pep rallies, assemblies, field trips)~~
- Change in student's schedule (with notification to parent/guardian)
- Temporary isolation from other students
- Assignment to after-school detention
- Assignment to In-School Adjustment Program (ISAP)
- Recommendation for evaluation
- Suspension of bus-transportation privileges for bus misconduct (Review suspension procedures for ECE students.)
- Assignment of constructive assignments/tasks
- Recommendation of transfer to another school/program
- Suspension from school
- Initiation of pre-expulsion procedures
- Recommendation for assessment by the JCPS Safe and Drug-Free Schools Unit
- Referral to Suspension/Truancy Off-site Program (STOP)

Central Office Administrator's Disciplinary Measures

- Parent/Guardian conference
- Change in school/program
- Recommendation for assessment by the JCPS Safe and Drug-Free Schools Unit
- Placement in alternative school
- Recommendation for expulsion

Board of Education's Disciplinary Measure

- Expulsion

Discipline Referral Procedures

If classroom discipline measures do not correct a student's misconduct or if his or her behavior is a serious offense, the student is referred to a school administrator by a staff member.

The staff member describes the student's behavior and/or records the student's statements on a Pupil Disciplinary Referral Form. The form is given to the appropriate administrator.

The administrator meets with the student. The administrator:

1. Reads the referral form to the student.
2. Allows the student to respond to the charges and evidence.
3. Conducts an investigation, if necessary.
4. Decides what action to take and records it on the form.
5. Informs the student of the action to be taken and has the student sign the form.
6. Notifies the parent/guardian of the disciplinary action, as appropriate.
7. Requires the student to take the form home to be signed by his or her parent/guardian and has the student return it, if necessary.
8. Distributes copies of the form.

Discipline records are kept by the administrator. The records are accessible to teachers, administrators, the student, and/or

the parent/guardian, as required by the Family Educational Rights and Privacy Act. Suspensions shall be placed in the individual student's disciplinary record.

Parent/Guardian Conference

As a result of student misbehavior, the school may arrange a conference with the parent/guardian. An effort will be made to arrange the conference at a time that is convenient for the parent/guardian and school staff involved. If it is impossible for the parent/guardian to meet at the school, an alternative means of discussion will be arranged.

The conference will be arranged by telephone. If contact by telephone is impossible, the parent/guardian will be contacted by mail.

If the parent/guardian is unable to attend or chooses not to attend the conference, the conference will be held with the student. The administrator will report the results of the conference to the parent/guardian.

The purpose of the conference will be to discuss the problem(s) and possible solutions with appropriate school staff. School records and discipline records will be available at the meeting. The student may be invited to the meeting. The results of the meeting will be recorded on the Pupil Disciplinary Referral Form and kept by the school.

The Role of the School Guidance Counselor

It is recommended that the guidance counselor be notified of referrals and disciplinary action taken. The guidance counselor may provide help to the student through individual or group counseling. The guidance counselor also may refer students to the Family Resource and Youth Services Centers (FRYSCs), to community agencies, or to the JCPS Safe and Drug-Free Schools Unit for assessment. A teacher, administrator, or parent/guardian may refer a student to the guidance counselor for assistance.

Suspension Procedures

A principal, assistant principal, or head teacher can suspend a student for offenses as outlined on the Behavior Violations and Consequences charts on pages 18 and 19.

1. ECE students, those who are disabled under Section 504 of the Rehabilitation Act of 1973, and students who are being assessed for suspected disabilities have additional rights guaranteed under federal and state laws. These are addressed on page 12.
2. A short-term, local school suspension is for one to five school days.
3. A long-term, Central Office suspension is for 6 to 20 school days.
4. Long-term suspensions may be referred to the assistant director of Student Relations for a conference and decision.
5. An ECE student may not be suspended to the Central Office for fewer than three school days.
6. A suspension of one to ten school days requires an informal hearing in which the student is told of the charge against him or her, is given a chance to present his or her perspective regarding the incident, and is given the right to appeal the decision. If a student is believed to be a danger to him- or herself or to others, he or she may be suspended first and an informal hearing will be scheduled afterwards (within three school days).
7. A long-term, Central Office suspension of 11 to 20 school days requires a formal hearing unless such a hearing is waived by the parent/guardian. The procedures for a formal hearing are outlined on page 11.
8. A student on suspension cannot enter the school or go on any JCPS school grounds unless arrangements for him or her to do so are made with an administrator. A student cannot attend any day or night JCPS-sponsored function or ride a JCPS bus. Any violation of these conditions will result in further disciplinary action.
9. Make-up work may be requested by a student within three school days of his or her return from suspension. Make-up work will include only written daily work, tests, and major projects. Some classwork cannot be duplicated and therefore cannot be made up. Make-up work will be provided to the student as arranged with the teacher. The student will have the number of school days of suspension plus one school day from the time he or she receives the make-up work to submit it to the teacher. When an absence or suspension occurs at the end of a semester or school year, the student or parent/guardian can make arrangements with the school administrator to take tests and turn in major projects (see page 21).
10. A suspension will be for a definite number of school days and cannot be extended except in the case of pre-expulsion procedures.
11. Within one day of the informal hearing, the administrator will inform (verbally and/or in writing) the parent/guardian of the decision to suspend a student.

Suspension Truancy Off-Site Program

As an alternative to a suspension from school, a local school administrator may refer students in grades four through twelve to STOP. Students in STOP will receive instruction at one of seven regional centers and receive credit for their attendance and classwork. If a student is assigned to STOP and fails to attend, he or she is suspended from school. Students who are under suspension for a drug offense, weapons violation, or assault or who are considered to be a danger to themselves or others are not eligible for STOP. The district does not provide transportation to STOP sites.

Formal Hearing

When a student has been suspended to the Central Office for 11 to 20 school days, he or she is entitled to a formal hearing.

- The hearing will be held within three school days of notification of suspension.
- The parent/guardian will be notified of the date, time, and place of the hearing.

- The hearing officer will be appointed by the superintendent/designee.
- Written charges and information collected to support the charges will be provided to the student and the parent/guardian.
- The student will have a chance to present a defense of the charges and may be represented by an attorney at his or her own expense.
- The student will be allowed to present witnesses.
- The parent/guardian may waive the right to the formal hearing.
- The parent/guardian will receive the decision of the hearing officer within five school days.
- A written transcript of the hearing will be provided if requested.

Suspension/Expulsion Procedures for Exceptional Child Education (Special Education) Students

In cases involving ECE students or students who have been referred for evaluation for possible ECE placement, the following procedures will be followed.

If school personnel consider a suspension of more than five school days in a given school year, an Admissions and Release Committee (ARC) meeting will be convened within ten school days. The ARC considers:

1. If the student needs a Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP);
2. If the student's IEP and placement are appropriate and are fully implemented in relation to the behavior subject to disciplinary action; and
3. If the behavior or misconduct is related to the student's disability.

If the ARC determines that the IEP or placement is inappropriate, that the IEP is not being fully implemented, or that the behavior is related to the student's disability, the student remains in his or her current placement and is not suspended.

If the ARC determines that the current IEP and placement are appropriate, that the IEP is fully implemented, and that the behavior is not related to the student's disability, the student will be disciplined in accordance with the *Code of Acceptable Behavior and Discipline.*

If school personnel consider a suspension that accumulates to five school days or fewer in a given school year, an ARC meeting is not required. However, if considered appropriate, an ARC meeting may be requested by the parent/guardian, principal, or the student's teacher(s).

If placement in a district alternative school is considered at any time during the suspension procedures, an Administrative ARC meeting will be convened.

If an ARC meeting is requested concerning a safety issue or change in placement due to a behavior violation of the *Code of Acceptable Behavior and Discipline*, the parent must be given at least a 24-hour notice regarding the meeting (i.e., written notice of the ARC meeting). The normal timeline for the notice of the ARC meeting does not apply in this circumstance.

A student who is suspended for more than ten school days within a school year must receive educational services beginning on the eleventh day.

This section is a summary of more detailed administrative procedures of compliance with the Individuals with Disabilities Education Improvement Act (IDEIA) Amendments of 2004.

Suspension/Expulsion Procedures for Students Disabled Under Section 504

Discipline procedures for disabled students as defined by Section 504 of the Rehabilitation Act of 1973 follow similar guidelines as those that apply to ECE students. A team that is knowledgeable about the student, the 504 Committee, shall meet to review the student's 504 Plan for disciplinary purposes prior to suspending a student for more than ten school days within a school year.

If the 504 Committee determines that the behavior or misconduct is not related to the student's disability, the student may be suspended from school in the same manner as a non-disabled student, in accordance with the *Code of Acceptable Behavior and Discipline.*

If the 504 Committee determines that the behavior or misconduct is related to the student's disability, the student may not be suspended. The 504 Committee shall consider:

- Revising the 504 Plan to meet the student's current educational and behavioral needs;
- Developing an FBA; and/or
- Referring the student for ECE assessment to determine eligibility for services under IDEIA 2004.

If the suspension is required to protect persons or property or to avoid disruption of the ongoing educational process, the student first must be granted an informal hearing and then may be suspended. The 504 Committee shall convene as soon as possible.

Due Process and Appeal

Whenever a student is accused of committing a violation of the *Code of Acceptable Behavior and Discipline*, he or she has the right to due process. This means that he or she must:

1. Be informed of the charges and evidence;
2. Be provided with an opportunity to present his or her side of the case; and
3. Be provided with an opportunity to appeal the decision.

The steps in the process for the appeal of a suspension are outlined on the following pages.

A student or parent/guardian may request that the student stay in school during the appeal of a suspension. A student determined by the principal to be a danger to him- or herself or to others or who is highly likely to be so destructive or disruptive that the education of other students cannot continue in a safe and orderly manner shall not be allowed to attend school during the appeal process unless he or she is placed in an alternative school/program.

Appeals are to be made in writing and mailed/delivered to the appropriate administrator. If a parent/guardian/student needs help writing a letter of appeal, he or she may contact the Student Relations Office at **485-3335** for assistance. Refer to the chart on page 14.

Failure to follow the appeal procedures within the prescribed time limits as described herein will nullify the right of a student or his or her parent/guardian to appeal.

Appeal Procedure for Short-Term/Local School Suspensions—One to Five School Days

The following procedures are required when a parent/guardian/student appeals a short-term/local school suspension of one to five school days.

1. Write a letter explaining your reasons for appealing the suspension to the school administrator who suspended the student. Take or mail the appeal letter to the school within three school days ~~of~~ after the ~~last~~ first day of the suspension.
2. If your appeal is denied by the administrator who suspended the student, you may appeal in writing to the principal. The appeal letter must be mailed or delivered to the school within five school days of the day you receive your answer from the administrator who suspended the student.
3. If your appeal is denied by the principal, you may appeal to the appropriate school liaison. (Elementary/Middle/High School Liaison, VanHoose Education Center, 3332 Newburg Road, P.O. Box 34020, Louisville, KY 40232-4020). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the principal. This is the last step in the appeal process. Refer to the chart on page 14.

Appeal Procedure for Long-Term/Central Office Suspensions—6 to 20 School Days

The following procedures are required when a parent/guardian/student appeals a long-term/Central Office suspension of 6 to 20 school days.

1. Write a letter explaining your reasons for appealing the suspension to the school administrator who suspended the student. Take or mail the appeal letter to the school within three school days ~~of~~ after the ~~last~~ first day of the suspension.
2. If your appeal is denied by the administrator who suspended the student, you may appeal in writing to the principal. The appeal letter must be delivered to the school within five school days of the day you receive your answer from the administrator who suspended the student.
3. If your appeal is denied by the principal, you may appeal to the appropriate assistant director of Student Relations (Jefferson County Public Schools, Dawson Orman Education Center, 900 South Floyd Street, Louisville, KY 40203). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the principal.
4. If your appeal is denied by the assistant director of Student Relations, you may appeal to the director of Safe and Drug-Free Schools (Jefferson County Public Schools, Dawson Orman Education Center, Room 221, 900 South Floyd Street, Louisville, KY 40203). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the assistant director of Student Relations.
5. If your appeal is denied by the director of Safe and Drug-Free Schools, you may appeal to the executive director of Student Relations and Safety (Jefferson County Public Schools, Lam Building, Room 215, 4309 Bishop Lane, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your letter from the director of Safe and Drug-Free Schools. This is the last step in the appeal process. Refer to the chart on page 14.

Appeal Procedure for Long-Term/Central Office Suspension With Recommendation for Placement in an Alternative School

The following procedures are required when a parent/guardian/student appeals a long-term/Central Office suspension and placement in an alternative school.

1. Write a letter explaining your reasons for appealing the suspension to the school administrator who suspended the student. Take or mail the appeal letter to the school within three school days ~~of~~ after the ~~last~~ first day of the suspension.
2. If your appeal is denied by the administrator who suspended the student, you may appeal in writing to the principal. The appeal letter must be delivered to the school within five school days of the day you receive your answer from the administrator who suspended the student.
3. If your appeal is denied by the principal, you may appeal to the appropriate assistant director of Student Relations. (Jefferson County Public Schools, Dawson Orman Education Center, 900 South Floyd Street, Louisville, KY 40203). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the principal.
4. If your appeal is denied by the assistant director of Student Relations, you may appeal to the director of Safe and Drug-Free Schools (Jefferson County Public Schools, Dawson Orman Education Center, Room 221,

The Appeal Process

Short-Term/Local School Suspension 1 to 5 School Days	Long-Term/Central Office Suspension 6 to 20 School Days	Long-Term/Central Office Suspension With Recommendation for Placement in an Alternative School	Placement in an Alternative School
Send/Take written appeal to:	Send/Take written appeal to:	Send/Take written appeal to:	Send/Take written appeal to:
Administrator who suspended student	**Administrator who suspended student**	**Administrator who suspended student**	**Assistant Director, Student Relations**
↓	↓	↓	↓
Principal	**Principal**	**Principal**	**Director, Safe and Drug-Free Schools**
↓	↓	↓	↓
School Liaison	**Assistant Director, Student Relations**	**Assistant Director, Student Relations**	**Executive Director, Student Relations and Safety**
	↓	↓	↓
	Director, Safe and Drug-Free Schools	**Director, Safe and Drug-Free Schools**	**Superintendent**
	↓	↓	↓
	Executive Director, Student Relations and Safety	**Executive Director, Student Relations and Safety ***	**Board of Education**
		↓	
		Superintendent	
		↓	
		Board of Education	

Appeals must be made in writing. See pages 13 through 15 for addresses.

*If a student is not assigned alternative placement, this is the last step of the appeal process.

900 South Floyd Street, Louisville, KY 40203). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the assistant director of Student Relations.

5. If your appeal is denied by the director of Safe and Drug-Free Schools, you may appeal to the executive director of Student Relations and Safety (Jefferson County Public Schools, Lam Building, Room 215, 4309 Bishop Lane, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the director of Safe and Drug-Free Schools. If a student is not assigned alternative placement, this is the last step of the appeal process.
6. If your appeal is denied by the executive director of Student Relations and Safety, you may appeal to the superintendent (Jefferson County Public Schools, Van-Hoose Education Center, 3332 Newburg Road, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the executive director of Student Relations and Safety.
7. If your appeal is denied by the superintendent, you may appeal to the Board of Education (Jefferson

County Public Schools, VanHoose Education Center, 3332 Newburg Road, P.O. Box 34020, Louisville, KY 40232-4020). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the superintendent. This is the last step in the appeal process. Refer to the chart on page 14.

Appeal Procedure for Placement in an Alternative School

The following procedures are required when a parent/guardian/student appeals the placement in an alternative school but does not appeal the suspension.

1. Write a letter explaining your reasons for appealing the decision to the appropriate assistant director of Student Relations (Jefferson County Public Schools, Dawson Orman Education Center, 900 South Floyd Street, Louisville, KY 40203). The letter must be mailed or delivered within five school days of the decision.
2. If your appeal is denied by the assistant director of Student Relations, you may appeal to the director of Safe and Drug-Free Schools (Jefferson County Public Schools, Dawson Orman Education Center, Room 221, 900 South Floyd Street, Louisville, KY 40203). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the assistant director of Student Relations.
3. If your appeal is denied by the director of Safe and Drug-Free Schools, you may appeal to the executive director of Student Relations and Safety (Jefferson County Public Schools, Lam Building, Room 215, 4309 Bishop Lane, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the director of Safe and Drug-Free Schools.
4. If your appeal is denied by the executive director of Student Relations and Safety, you may appeal to the superintendent (Jefferson County Public Schools, VanHoose Education Center, 3332 Newburg Road, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the executive director of Student Relations and Safety.
5. If your appeal is denied by the superintendent, you may appeal to the Board of Education (Jefferson County Public Schools, VanHoose Education Center, 3332 Newburg Road, P.O. Box 34020, Louisville, KY 40232-4020). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the superintendent. This is the last step in the appeal process. Refer to the chart on page 14.

A student may not be allowed to attend school during the appeal process if the principal believes that the student is a danger to him- or herself or to others.

Expulsion

If the behavior is serious enough, expulsion proceedings may be initiated and the following procedures will be followed:

- An informal hearing will be held at the school.
- An investigation of the offense will be completed by the JCPS Compliance and Investigations Office.
- A suspension to the Student Relations and Safety Department will be made so that the case may be expedited.
- The local school will send a letter recommending expulsion with supporting documents to the assistant director of Student Relations.
- The assistant director of Student Relations will meet with the parent/guardian and the student.
- The assistant director of Student Relations will forward all documents with the recommendation for expulsion to the executive director of Student Relations and Safety, who will make a recommendation to the superintendent.
- If the superintendent/designee decides to recommend expulsion, the parent/guardian will be notified of the date, time, and place of a hearing before the Board of Education.

Zero Tolerance

The JCPS District insists that its schools be safe and free of drugs. The district follows the guidelines in the Gun-Free Schools Act of 1994, the Safe and Drug-Free Schools and Communities Act of 1994, and the Drug-Free Workplace Act of 1988. Every student and staff member has the right to respectful treatment and freedom from harassment and abuse. In order to achieve this, JCPS has established a zero-tolerance approach to student discipline. This means that when students break rules, they are provided with clear directives and strict consequences. To ensure safe schools, the JCPS District takes necessary action to discover drugs and weapons in schools. A search of school lockers, parking lots, and all other school property may be conducted by school officials and the Police Detection Canine Team. The searches may be random and unannounced. The schools also will exercise the right to search a student whenever there is a reasonable suspicion that the student is in possession of something that violates school rules or endangers others. Refer to page 23.

Zero Tolerance to Use of Tobacco Products

Smoking or other use of tobacco by students is prohibited. Students may not carry or possess tobacco products on school property or at school functions. School personnel have the authority to confiscate tobacco products. If a student violates this rule, he or she will be subject to in-school disciplinary measures and the parent/guardian will be notified and/or asked to come in for a conference. Violators will be given information about the health risks of tobacco use and information about the help available if they decide to quit. After repeated offenses, a student may be suspended. The length of the student's suspension may be reduced by his or her participating in programs recommended by the JCPS Safe and Drug-Free Schools Unit.

Zero Tolerance to Drugs and Alcohol

Possession/Under the Influence

First Offense

Possession of or under the influence of drugs/alcohol includes look-alike drugs/alcohol.

- Consequences include a six- to ten-day Central Office suspension, with a parent/guardian conference.
- The JCPS Compliance and Investigations Office may file a report with the Court-Designated Worker (CDW).
- Law enforcement officials will be notified by local school administration, in accordance with the Police Memorandum of Agreement.
- A referral will be made to the JCPS Safe and Drug-Free Schools Unit (**485-3260**). (Resource options will be discussed with the parent/guardian, and recommendations will be made to the local school. Information will be shared with the CDW.)
- Suspension may be reduced by the assistant director of Student Relations after consulting with the local school principal.

Note: *Under the influence* will be determined by having an administrator and another adult verify that the student's behavior(s) indicates drug or alcohol abuse and that the student should be removed from the school. A student will be considered under the influence when one or more of the following indicators are noted: vomiting, staggering, emitting an indicative odor, exhibiting incoherence/disorientation, slurring speech, exhibiting dilated pupils, and/or displaying other physical evidence.

Second Offense

Possession of or being under the influence of drugs/alcohol (includes look-alike substances) results in an alternative placement.

- Consequences include a six- to ten-day, long-term Central Office suspension, with a parent/guardian conference.
- The JCPS Compliance and Investigations Office may file a report with the CDW.
- Law enforcement officials will be notified by local school administrators, in accordance with the Police Memorandum of Agreement.
- A referral will be made to the JCPS Safe and Drug-Free Schools Unit (**485-3260**). (Resource options will be discussed with the parent/guardian, and recommendations will be made to the local school. Information will be shared with the CDW.)
- The student will be assigned alternative placement.

Trafficking and Distribution

Any offense of trafficking or distribution of drugs/alcohol will result in alternative placement.

- This policy includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, and look-alike drugs/alcohol.
- A student found to be in possession of more drugs/alcohol than would be consumed by one person will be presumed to be trafficking as prescribed by law.
- Consequences include a six- to ten-day, long-term Central Office suspension, with a parent/guardian conference.
- The JCPS Compliance and Investigations Office may file a report with the CDW.
- Law enforcement officials will be notified by local school administrators, in accordance with the Police Memorandum of Agreement.
- A referral will be made to the JCPS Safe and Drug-Free Schools Unit (**485-3260**). (Resource options will be discussed with the parent/guardian, and recommendations will be made to the local school. Information will be shared with the CDW.)

Zero Tolerance to Violence

Aggressive Behavior

Aggressive behavior includes fighting, intimidating, threatening, committing terroristic threatening, or harassing students and/or staff; making bomb threats; vandalizing; ~~stealing~~ robbery; and falsely activating a fire alarm or committing arson. ~~when others are not present.~~

- Consequences include a short-term, local school suspension of 1 to 5 days or a 6- to 20-day, long-term Central Office suspension, with a parent/guardian conference (depending upon specifics of the offense).
- Law enforcement officials will be notified by local school administration, in accordance with the Police Memorandum of Agreement.
- A referral will be made to the JCPS Safe and Drug-Free Schools Unit. (Options for follow-up will be discussed with the parent/guardian, and recommendations will be made to the local school.)
- Student assignment to alternative placement will be considered on each offense.
- Local school officials may refer students directly to the JCPS Safe and Drug-Free Schools Unit (**485-3260**).

Assaultive Behavior

Assaultive behavior includes assaulting another student, intimidating through violence, practicing exhibitionism (exposing genitals, pubic area, buttocks, or female breasts—KRS 531.300 [4d]), and sexually harassing another student and/or a staff member.

- Consequences include a Central Office long-term suspension of 6 to 20 days, with a parent/guardian conference (depending upon specifics of the offense).
- Law enforcement officials will be notified by local school administration, in accordance with the Police Memorandum of Agreement.
- The JCPS Compliance and Investigations Office may file a report with the CDW.
- A referral will be made to the JCPS Safe and Drug-Free Schools Unit (**485-3260**). (Resource options will be discussed with the parent/guardian, and recommendations will be made to the local school.)
- Student assignment to alternative placement will be considered on the first offense. On the second and subsequent offenses, a recommendation will be made for

alternative placement or pre-expulsion procedures will be initiated.

- On the first offense, the long-term Central Office suspension may be reduced by the assistant director of Student Relations after consulting with the local school principal.
- Local school officials may refer students directly to the JCPS Safe and Drug-Free Schools Unit (**485-3260**).
- A student who has been assigned to an alternative school for assaulting school personnel will not be allowed to return to his or her previously assigned school.

Alternative Placement Offenses

Alternative placement offenses include fighting/striking school personnel, committing terroristic threatening, trafficking/distributing drugs, extorting, robbing, sexually assaulting, making bomb threats, possessing or transferring a deadly weapon, using a dangerous instrument as defined by the Criminal Code of Kentucky (includes look-alike weapons), and committing arson with others present.

- Consequences include a 6- to 20-day, long-term Central Office suspension, with a parent/guardian conference.
- Law enforcement officials will be notified by local school administration, in accordance with the Police Memorandum of Agreement.
- A referral will be made to the JCPS Safe and Drug-Free Schools Unit (**485-3260**).
- Assignment to alternative placement or pre-expulsion procedures will be started.
- Legal action will be initiated when appropriate.

Removal From the Classroom

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting, pending any further disciplinary action that may occur. Each school will be responsible for developing a procedure(s) for the immediate removal of threatening or violent students from a classroom setting. Each school shall submit the procedure(s) to the superintendent/designee for review and approval. School employees are responsible for implementing the procedure(s) that has been reviewed and approved by the superintendent/designee.

Alternative Programs

Alternative programs help students improve academic skills, become more self-sufficient, and develop self-control. Students who fail to control their behavior after receiving repeated disciplinary measures from the school or students who commit serious offenses under Zero Tolerance will be suspended to the Student Relations Department so that their cases may be expedited for placement in alternative programs. If a student is charged with or convicted of a felony offense (or an offense that would be considered a felony if the student were an adult) committed off the school campus and while not engaged in a school-sponsored activity, the Student Relations Department may assign the student to an alternative school. The decision to assign a student to an alternative school for off-campus behavior shall include a review and consideration of the exceptional status of the student and any appropriate federal and state laws. Students who enter JCPS from out of district, from private or parochial schools, or from juvenile justice facilities may be referred to Student Relations and JCPS Safe and Drug-Free Schools to determine appropriate placement.

A student who has been assigned to an alternative program must complete the requirements of that program before he or she can return to another Jefferson County public school, unless his or her return is approved by the executive director of Student Relations and Safety. Any student who assaults a staff member or brings a gun to school will not be allowed to return to his or her previously assigned school.

Youth Gangs

Gang activity will not be tolerated on school grounds or at any school activity. Students will not wear or display explicit gang symbols. Violation may result in suspension or other appropriate action.

Weapons/Dangerous Instruments

Any middle or high school student who is knowingly in possession of or who is involved in the transfer, storage, or use of a firearm or explosive device will be assigned to an alternative school and expelled for a period of one calendar year and not be allowed to return to his or her previously assigned school. Any middle or high school student who uses a dangerous instrument will be assigned to an alternative school.

The Board of Education has the power to modify the alternative placement or the expulsion requirement on a case-by-case basis. Expulsion requirements for students with disabilities shall be modified on a case-by-case basis in order to comply with IDEIA 2004 or Section 504 of the Rehabilitation Act of 1973. Upon completion of the discipline, the student will be reassigned by the office of Student Services.

Look-Alike Weapons and Drugs

Any toy or model weapon that looks enough like an authentic weapon to be reasonably mistaken for one will be considered a look-alike weapon. Any student who represents a look-alike weapon to a staff member or another student as a real weapon and/or who uses it to intimidate, threaten, or harass someone will be treated as if he or she used a real weapon, according to state and federal laws. Any substance that can be reasonably mistaken for a controlled substance is considered a look-alike drug. This includes nonalcoholic beer and wine. Any student who uses, distributes, or represents a look-alike drug as authentic will be treated as if it were authentic, according to state and federal laws.

Range of Consequences

Elementary School Behavior Violations and Consequences

BEHAVIOR VIOLATIONS	In-School Discipline Measures	Parent/Guardian Conferences	Short-Term Suspension (1 to 5 days)	Long-Term Suspension (6 to 20 days)	Suspension and Recommendation for Alternative Program*	Expulsion Procedures Initiated *
1. Unexcused tardiness to class/Nonattendance to class						
2. Deliberate disruption	+					
3. Failure to follow rules or directives**/Academic dishonesty	+					
4. Leaving school grounds without permission						
5. Forgery/Counterfeiting						
6. Profanity/Vulgarity	+					
7. Gambling						
8. Use/Possession of tobacco products						
9. Inappropriate sexual behavior (includes possession of pornography, consensual sexual contact, and all sexual offenses except assault/abuse)						
10. Theft/Vandalism						
11. Robbery						
12. Fighting/Striking student						
13. Fighting/Striking faculty, staff, or other officials						
14. Intimidation/Harassment/Interference with staff or student/Bullying/Harassing communications						
15. Drug/Alcohol possession/Under the influence						
16. Drug/Alcohol distribution						
17. Assault/Sexual abuse/Sexual assault/Criminal abuse						
18. Arson						
19. Weapons/Dangerous instruments						
20. Bomb threats/False fire alarms/False police reports/Terroristic threatening/ Fireworks/Explosives***						
21. All other criminal offenses: kidnapping, extortion, etc. (law)						

+ In-class actions
**The suspension of Primary school students shall be considered only in exceptional cases where there are safety issues for the child or others.*
***For further information on cell phone/telecommunication devices, refer to page 22.*
****Bomb threats made by fourth- and fifth-grade students will result in placement in an alternative school/program.*

Criminal Violations

Students may be charged with criminal violations of local, state, or federal ordinances/statutes/laws if violations of this code fall under the appropriate jurisdiction. When a student violates a law, school administrators will notify the appropriate law enforcement official. Prosecution and adjudication of criminal violations shall occur separately from the administration of school procedures.

Violations/Student Misconduct

Student misconduct generally will result in classroom discipline or in-school discipline. Some violations are so serious that they will result in placement in STOP, suspension, expulsion, or placement in an alternative school program as required by Zero-Tolerance Policies and state and federal laws. These violations include assault of school personnel; extortion; robbery; sexual assault; arson with staff or students present; stealing or willfully or wantonly defacing, destroying, or damaging personal property of school personnel

Range of Consequences

Middle and High School Behavior Violations and Consequences

BEHAVIOR VIOLATIONS	In-School Discipline Measures	Parent/Guardian Conferences	Short-Term Suspension (1 to 5 days)	Long-Term Suspension (6 to 20 days)	Suspension and Recommendation for Alternative Program*	Expulsion Procedures Initiated *
1. Unexcused tardiness to class/Nonattendance to class						
2. Deliberate disruption	+					
3. Failure to follow rules or directives**/Academic dishonesty	+					
4. Leaving school grounds without permission						
5. Forgery/Counterfeiting						
6. Profanity/Vulgarity	+					
7. Gambling						
8. Use/Possession of tobacco products						
9. Inappropriate sexual behavior (includes possession of pornography, consensual sexual contact, and all sexual offenses except assault/abuse)						
10. Theft/Vandalism						
11. Robbery						
12. Fighting/Striking student						
13. Fighting/Striking faculty, staff, or other officials						
14. Intimidation/Harassment/Interference with staff or student/Bullying/Harassing communications						
15. Drug/Alcohol possession/Under the influence						
16. Drug/Alcohol distribution						
17. Assault/Sexual abuse/Sexual assault/Criminal abuse						
18. Arson						
19. Weapons/Dangerous instruments						
20. Bomb threats/False fire alarms/False police reports/Terroristic threatening/ Fireworks/Explosives***						
21. All other criminal offenses: kidnapping, extortion, etc. (law)						

+ In-class actions

** School staff may use an alternative disciplinary action in a particular case with written justification. When expulsion procedures have been initiated or a recommendation for alternative placement has been made, the student will first be suspended to the Student Relations and Safety Department so that the case may be expedited.*

***For further information on cell phone/telecommunication devices, refer to page 22.*

on or off school property or at school-sponsored activities; distribution of drugs and alcohol; and knowingly possessing a deadly weapon. Upon completion of an alternative school program or expulsion for assault of school personnel or possession of a weapon, the student will be reassigned by the office of Student Services.

Please note the charts that list violations and the consequences for each. We believe that children of different ages and grade levels need different consequences for their behavior. Therefore, there are separate charts for elementary and middle/high school students. Disciplinary measures are generally progressive, but with serious offenses, the school staff may initiate a different disciplinary action. School staff will use reasonable discretion in the use of the code as it is applied to the specific facts of each case. They will follow the code in a fair and equitable manner.

Elementary School Behavior Violations and Consequences

Suspension of Primary school students shall be considered only in exceptional cases where there are safety issues for the child or others.

Discipline Procedures for Early Childhood Preschool Students

School staff members shall adapt all disciplinary procedures and consequences to meet the developmental levels of the Early Childhood Preschool student. Itinerant, resource, and administrative staff of the Early Childhood Program shall be involved in the development and administration of discipline/remediation measures. An appropriate ARC meeting shall be conducted to discuss any discipline that would involve out-of-class placement for ECE Early Childhood students suspected of having disabilities.

Behavior Violations

The following is a list of the behavior violations that result in disciplinary actions, which are outlined on pages 18 and 19.

1. Unexcused tardiness to class or homeroom/Nonattendance to class or school/Truancy
2. Deliberate disruption—any deliberate action by the student that results in serious disruption of the educational process or any school-sponsored event, including the safe transportation of students (includes disorderly conduct)
3. Failure to follow rules or directives/Academic dishonesty—failure to follow established school rules, including the dress code, and the refusal/failure to follow reasonable directives of authorized school personnel (includes failure to identify oneself, violations of terms/conditions of suspension, failure to attend STOP, failure to comply with in-school disciplinary measures, and academic dishonesty)
4. Leaving school grounds without permission
5. Forgery/Counterfeiting—the creation or alteration of a written instrument (e.g., check, transcript, identification, currency, communication, or any other official document)
6. Profanity/Vulgarity
7. Gambling—games of chance or skill for money or profit
8. Use/Possession of tobacco products—any form of tobacco (e.g., cigarettes, cigars, loose tobacco, dip, chew) except as prescribed by a medical doctor (e.g., nicotine replacement gum or patches)
9. Inappropriate sexual behavior—includes possession of pornography, consensual sexual contact, and all sexual offenses except assault/abuse
10. Theft/Vandalism

    Theft—stealing, taking by deception, receiving or being found in possession of property belonging to the school or another person (includes fraud, burglary, embezzlement, larceny, theft, and motor vehicle theft as defined by law)

    Vandalism—damaging or defacing school property or the property of school personnel/students (includes criminal mischief)
11. Robbery—theft involving the use of physical force, deadly weapons, or dangerous instruments
12. Fighting/Striking student—the use of physical violence between two students or the use of violence by a student on another person when there is no major injury as determined by the school administrator (excludes verbal confrontations, threats, intimidation, and other encounters where no injury is intended)
13. Fighting/Striking faculty, staff, or other officials—the deliberate use of substantial physical force toward a faculty member, staff member, or other school official when no serious injury is caused or intended
14. Intimidation/Harassment/Interference with staff or student/Bullying/Harassing communications—with intent to deliberately place another person in fear of bodily injury or other substantial physical or emotional discomfort (includes sexual harassment, verbal abuse, threatening, bullying, menacing, wanton endangerment, stalking, and harassing communications)
15. Drug/Alcohol possession/Under the influence—includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, drug paraphernalia, and look-alike drugs/alcohol
16. Drug/Alcohol distribution—includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, and look-alike drugs/alcohol
17. Assault/Sexual abuse/Sexual assault/Criminal abuse—intending to cause or causing physical injury to another person by means of a deadly weapon or dangerous instrument or intentionally causing physical injury to another person. Sexual assault or physical sexual abuse of any kind is considered assault. Arson with staff/students present is considered an assault.
18. Arson—intentionally damaging school buildings or property of another person by starting a fire
19. Weapons/Dangerous instruments—possession, transfer, storage, or use of a deadly weapon or use of a dangerous instrument as defined by law (Look-alike weapons will be treated as authentic.)
20. Bomb threats/False fire alarms/False police reports/Terroristic threatening/Fireworks/Explosives
21. All other criminal offenses—includes, but is not limited to, kidnapping, extortion, etc. (law)

Attendance/Truancy Policy

All students are required by law to attend school every day and to be on time for school and all classes. Tardiness is not just being late for school as traditionally interpreted; it is defined by law as "any amount of instructional time missed." This includes being late to school or leaving school before classes are dismissed. Students are required to sign in on an Entry Log if they are late to school or to sign out of school on an Exit Log if they leave the building during any part of the instructional day.

The district records excused and unexcused absences daily to comply with Kentucky law, KRS 159.150, which states, "Any child who has attained the age of six years but has not reached his or her eighteenth birthday, who has been absent from school without a valid excuse for three or more days, or [who has been] tardy without a valid excuse on three or more days is a truant. Any student enrolled in a public school who has attained the age of 18 years but has not reached his or her twenty-first birthday, who has been absent from school without a valid excuse for three or more days, or [who has been] tardy without a valid excuse on three or more days is a truant." The law defines an *habitual truant* as "any student who has been reported as truant two or more times."

Kentucky law, KRS 159.990, holds accountable a public school student who has attained the age of 18, but who has not reached his or her twenty-first birthday, if the student fails to comply with school truancy laws; holds accountable the parent/guardian or custodian of a public school student who has not reached his or her eighteenth birthday if the student fails to comply with school truancy laws; and holds accountable the court-appointed guardian of a public school student who has been identified as an exceptional child or youth and has not reached his or her twenty-first birthday if the student fails to comply with school truancy laws. Any parent/guardian or custodian who fails to comply with the requirements may face fines of $100 for the first offense and $250 for the second offense and may be charged with a Class B misdemeanor for each subsequent offense. Charges of educational neglect and/or unlawful transaction with a minor may also be filed.

An excused absence or tardy is one for which work may be made up. Excused absences and tardies include such circumstances and occasions as a death or severe illness in the student's immediate family, an illness of the student, religious holidays and practices, one day for attendance at the Kentucky State Fair, and other valid reasons as determined by the principal. ~~After a total of ten cumulative~~ When a student accumulates a total of ten full-day absences due to illness, parents are required to present a written statement from a medical professional (doctor, dentist, psychologist, etc.) for additional absences during the current school year in order for the student to be excused.

If a student's parent or legal guardian is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve unit, and is called to federal active duty, a JCPS principal will grant the student an excused absence for one school day when the parent/guardian is deployed. The student will also be granted an excused absence for one school day when the parent/guardian returns from deployment. If a student's parent/guardian is stationed out of the country and is granted rest and recuperation leave, the student will be allowed up to ten excused absences for visitation. A student receiving an excused absence for these purposes shall be considered present in school and will have the opportunity to make up school work missed and will not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

Excused absences for the purpose of educational enhancement may be granted for up to ten school days in order for a student to pursue an opportunity that the local school administrator determines to be of significant educational value, provided that the date(s) requested does not conflict with state or district testing periods. This opportunity may include, but is not limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts. A principal's determination may be appealed to the superintendent/designee, whose decision may then be appealed to the Board. A student receiving an excused absence to pursue an educational enhancement opportunity shall be considered present in school during the excused absence.

As referenced under "**Student, Staff, and Parent/Guardian Responsibilities,**"on page 8, parents/guardians are to notify the school on the day on which their child is absent and provide notes to explain and confirm excused absences and tardies within three school days of the student's return. When a student is habitually absent, the local school clerical and/or administrative staff will:

- Refer the student to the FRYSC coordinators, where available, who will work with the student and his or her family in support of regular attendance.
- Notify the parent/guardian by telephone or in writing of unexcused absence(s).
- Send a letter to the parent/guardian stating that the student is truant after the third unexcused absence.
- Hold a conference with the parent/guardian after the sixth unexcused absence.
- Notify the Pupil Personnel Department electronically after the sixth unexcused absence and state any interventions conducted at the local school.

When a student has six or more unexcused absences:

- An assistant director of Pupil Personnel or a school social worker may visit the home of the student.
- A final notice may be served in person or sent by certified mail to the parent/guardian.
- An assistant director of Pupil Personnel or a school social worker may require a parent/guardian conference and/or file an educational neglect report with Child Protective Service (CPS).
- A student may be referred to Family Court by the assistant director of Pupil Personnel and may be subject to legal action if absences continue to accumulate.

Students who continue to be absent from school may be required to attend a formal district-level review with their parent/guardian to recommend further services or interventions.

Make-Up Work

A student receiving an excused absence shall have the opportunity to make up missed schoolwork and not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

A student returning to school after an excused absence or suspension may request make-up work within three school days of his or her return to each class. The student will have the number of school days of absence or suspension plus one school day from the time he or she receives the make-up work to complete the work and submit it to the teacher.

The local SBDM Council or, if none exists, the principal, with input from teachers and parents, shall establish rules regarding make-up work for unexcused absences other than suspensions.

Telecommunication Devices

A student in the JCPS District may not use/activate and/or display a personal telecommunication device on school property during the course of the instructional day unless he or she is acting in the capacity of a volunteer firefighter or Emergency Medical Service (EMS) worker. *Personal telecommunication device* is defined in KRS 158.165 and includes, but is not limited to, cellular telephones, pagers, walkie-talkies, electronic mail devices, MP3 players, iPods, and video gaming systems. This offense will be treated as "failure to follow directives" under the *Code of Acceptable Behavior and Discipline*. In addition, the telecommunication device, including the SIM card, battery, and all other parts of the device, will be confiscated by an administrator and may be returned only to the parent/guardian. Individual schools may set policies that define the length of confiscation time for each offense, not to exceed 30 calendar days at a time per violation. Students are responsible for keeping up with devices they bring to school. The district and the school shall not be responsible for the loss, theft, or destruction of devices brought on school property.

Electronic Equipment

While under the authority of JCPS, students will use computers and other electronic equipment in compliance with applicable rules and state law. Students are prohibited from using electronic equipment (including, but not limited to, computers, audio and video players/records, faxes/telephones, and duplicating machines) to send, receive, access, or duplicate material that is pornographic, threatening, harassing, or otherwise violates classroom, local school, or district rules. Violations may result in suspension and/or alternative placement.

JCPSNet Student Acceptable Use Policy

The JCPS District offers student access to electronic information through a service called JCPSNet. Along with this access to computers and to people all over the world comes the availability of materials that may not be considered appropriate for use in the classroom. Because it is impossible to control all materials available through the Internet, school staff and parents/guardians of minors are ultimately responsible for setting and conveying the standards that students should follow when using this resource. JCPS supports each family's right to decide whether or not to allow their child to have access. **Access is a privilege, not a right.**

Students are responsible for appropriate behavior when using the Internet, just as they are in classrooms and school hallways. Therefore, general school rules for behavior apply. Access to network services is offered to students who agree to act in a considerate and responsible manner, and parent permission is required. Based on the acceptable use guidelines outlined in this policy, the system administrators will deem what is inappropriate use, and their decisions are final. The administration and staff may revoke or suspend user access when these terms are violated.

Students will:

- Use the network for educational purposes, such as conducting research for assignments consistent with the JCPS academic expectations; and
- Use appropriate language, avoiding swearing, vulgarities, and abusive language.

Students will NOT:

- Transmit or receive materials in violation of federal or state laws or regulations pertaining to copyrighted, threatening, or obscene materials, including sexually explicit materials;
- Use the JCPS Internet connection for personal or commercial activities, product promotion, political lobbying, or illegal activities;
- Break into/Attempt to break into another computer network;
- Damage/Attempt to damage, move, or remove software, hardware, or files;
- Use unauthorized multiuser games;
- Send or forward chain letters;
- Use unauthorized software products that adversely affect network performance;
- Create or share computer viruses;
- Share access to their JCPSNet account or use another person's account;
- Maliciously attempt to harm or destroy data of another user;
- Use network resources to otherwise violate the JCPS *Code of Acceptable Behavior and Discipline*;
- Use network resources to disrupt the efficient operation and/or educational programs of JCPS.

JCPSNet communications are not private and may be reviewed by JCPS personnel, or by someone appointed by them, to ensure that all guidelines are followed. Violation of the terms listed above will result in a loss of access to JCPSNet and may result in other disciplinary action under the guidelines of the JCPS *Code of Acceptable Behavior and Discipline*. ~~Use of public property for personal gain is a felony. Violators or parents of student violators may be subject to prosecution.~~

Student Searches*

Although students have the right to freedom from unreasonable search and seizure, school officials have the right, under the law, to search students or their property whenever there is a reasonable suspicion that they have something that violates school rules or endangers others. Students may be searched to maintain the ongoing educational process, maintain order, and/or protect people and property. Searches may include the student and his or her locker, desk, automobile, or personal belongings. A personal search includes a search of a student's accessories (purse, wallet, backpack, cell phone, notebooks, gym bag, etc.) and/or outer garments (pants/skirt pockets, shirt/blouse pockets, pant legs, socks, shoes, jacket pockets, waistband, etc.) that **would not** require disrobing. The Police Detection Canine Team may conduct random and unannounced searches of general school areas, including school lockers and parking lots. A hand-held metal detector may be used by a school official who has reasonable suspicion that the student is in possession of a weapon.

*This section is a summary of the district's student search procedure.

JEFFERSON COUNTY PUBLIC SCHOOLS

Student Bill of Rights

Jefferson County Public Schools
Shaping the Future

Student Bill of Rights Preamble

A student has legal rights guaranteed by the Constitution of the United States. These can be exercised in school as long as they do not interfere with the rights of others or the school's responsibility to provide safe and orderly schools. The Jefferson County Public School (JCPS) District encourages each student to balance the expression of his or her rights by honoring his or her responsibilities as outlined in the *Code of Acceptable Behavior and Discipline* and the *Student Bill of Rights*.

1. The Right to an Education

Under Kentucky law, children between the ages of 5 and 21 years have a right to an education. This education is provided free of charge to students until they have completed a 12-year program or reached their twenty-first birthday. (Children eligible for Exceptional Child Education [ECE] services are guaranteed a free and appropriate public education [FAPE] between the ages of 3 and 21.)

Discipline is necessary to maintain a climate that is conducive to learning, and a student may forfeit his or her right to an education under the *Code of Acceptable Behavior and Discipline*. A student's right to an education will not be taken away without due process, as guaranteed by the Constitution of the United States.

2. The Right to Academic Grades Based on Academic Performance

Academic grades will be assigned based on academic performance. Academic grades will not be reduced as punishment for misconduct. A student is entitled to an explanation of how his or her academic grades were determined.

3. The Right to Make Up Work

A student receiving an excused absence shall have the opportunity to make up missed schoolwork and not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence. A student returning to school after an excused absence or suspension may request make-up work within three school days of his or her return to each class. The student will have the number of school days of the absence or suspension plus one school day from the time he or she receives the make-up work to complete the work and submit it to the teacher.

The local School-Based Decision Making (SBDM) Council or, if none exists, the principal, with input from teachers and parents, shall establish rules regarding make-up work for unexcused absences other than suspensions.

4. The Right to Confidentiality of/Access to Student Records

The Family Educational Rights and Privacy Act (FERPA) and KRS 160.700–160.730 guarantee to parents/guardians of students younger than age 18 and to eligible students age 18 and older the right to:

- Inspect and review the student's educational records within 45 days of the day the school receives a request for access.
- ~~Request that the district disclose information in the educational records to a third party~~ Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- Request an amendment of the student's educational records ~~to ensure that the records are not~~ that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.
- File with the U.S. Department of Education, Family Policy Compliance Office, 400 Maryland Avenue, S.W. Washington, D.C. 2202-8520, a complaint concerning alleged failures by the district to comply with the requirements of FERPA.
- ~~Obtain a copy of the district's policies on confidentiality.~~

School records of active students are maintained and kept by the school office in a secure location. ~~They contain a list of~~ Records include credits earned, standardized test results, academic portfolios, grade point averages (GPAs), behavioral and psychological evaluations, screening and health records, attendance records, and directory information. ~~and a list of activities.~~ The file may contain temporary disciplinary records. ~~which will be destroyed when a student graduates, transfers, or drops out~~.

In order to inspect, review, or transfer educational records, the eligible student and/or the parent/guardian must complete the Student Educational Request Form. To request the amendment of educational records, the parent/guardian or eligible student must submit the request in writing to the school principal.

Under the provisions of FERPA, the district may release, without written consent, a student's educational records to school officials with a legitimate educational interest; to other school systems, colleges, and universities to which the student intends to enroll or transfer; and to certain other agencies specified by state and federal law. A school official is a person employed by the district, a person serving on the School Board, a person or company with whom the district has contracted as its agent to provide a service instead of using its own employees, or a person serving on an official 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. No other person may inspect, review, or transfer a student's educational records without:

- The written consent of the eligible student;
- The written consent of the parent/guardian if the student is under 18 years of age; or
- A properly issued court order or subpoena.

The district has designated a student's name, address, grade level, ~~and~~ major field of study, and honors and awards as directory information. The district may release directory information without written consent to organizations or individuals with a legitimate educational interest and purpose unless the eligible student and/or parent/guardian submits the Directory Information Opt-Out Form on page 1 to the school office ~~by the date specified on the form~~ within one month after enrollment.

5. Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment (PPRA) affords parents and eligible students the right to:

- **Consent before a student is required to submit to a survey that concerns one or more 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. These protected areas are as follows:**
  - Political affiliations or beliefs of the student or student's parent;
  - Mental or psychological problems of the student or student's family;
  - Sex behavior or attitudes;
  - Illegal, antisocial, self-incriminating, or demeaning behavior;
  - Critical appraisals of others with whom respondents have close family relationships;
  - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - Religious practices, affiliations, or beliefs of the student or parents; or
  - Income, other than as required by law to determine program eligibility.
- **Receive notice and an opportunity to opt a student out of:**
  - Any other protected information survey, regardless of funding;
  - Any nonemergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings or any physical exam or screening permitted or required under state law; and
  - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- **Inspect the following items upon request before administration or use:**
  - Protected information surveys of students;
  - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - Instructional material used as part of the educational curriculum.

The district will notify parents or eligible students at the start of each school year of the specific or approximate dates of the planned activities or surveys listed above and will provide reasonable notification of activities or surveys planned after the school year begins. The parent or eligible student may opt out of participation in the specific activity or survey. Parents or eligible students who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-5901.

6. The Right of Access to Services for All Students With Disabilities/Child Find

A student with a disability will be provided FAPE. Students who are eligible for special education include those students who have hearing impairments, vision impairments, emotional and behavioral disorders, both deafness and blindness, health impairments, specific learning disabilities, mental disabilities, multiple disabilities, speech and language impairments, physical disabilities, autism, developmental delay, or traumatic brain injuries and who, because of these impairments, need special education and related services.

Anyone who knows of a child younger than 22 years of age who may have a disability and may need special education is urged to contact a school counselor or the ECE Office at **485-3170**. The JCPS District will contact the parent/guardian to decide if the child needs to be referred for services. The district also will use screening information, student records, and test results collected on all students to help locate students who may need special education. All information collected will be confidential.

7. The Right to Representation and Involvement

A student has the right to be represented by peers in making decisions that affect him or her. These include decisions about standards of achievements, conduct, elections, activities, and other facets of student life. Each student is encouraged to exercise this right by seeking to serve as a Student Council representative, a club officer, or a representative of a school or district committee. In general, any student may make suggestions on matters that affect him or her through the local school's Human Relations Committee and/or Student Council.

8. The Right to Freedom of Expression

A student has the right to freedom of expression as it relates to speech, assembly, appearance, publications, and the circulation of petitions. This right must be exercised in such a way that it does not interfere with the rights of others or the orderly operations of the school. A student is encouraged to form opinions and express them in a responsible manner. Conduct that interferes with the learning process or the orderly operations of a school may be restricted.

- A student has the right to assemble peacefully as long as such assembly does not interfere with the learning process or the orderly operations of the school.
- A student has the right to choose his or her manner of dress and otherwise to arrange his or her own personal appearance subject to the school rules and regulations regarding dress or appearance. However, any such rules must relate to a specific educational purpose, such as health, safety, full participation in classes or school activities, and/or preventing the disruption of the educational process.
- School publications, such as the school newspaper, will be free from censorship or prior restraint. School officials may establish guidelines for school newspapers and other publications, including the restriction of libelous or obscene material or materials that would incite others. Guidelines must be consistent with governing legal standards and with the rules and regulations of the Board of Education. A student involved in any such publication is responsible for knowing his or her legal responsibilities and the consequences for failure to follow the guidelines.
- A student or student group has the right to access the pages of the student newspaper and to distribute leaflets, pamphlets, and other literature on school grounds as long

as school regulations for their distribution are followed. The distribution of materials must not interfere with the orderly operations of the school nor violate the rights of others.

9. The Right to Freedom From Abuse

A student has the right to freedom from verbal and/or physical abuse by school staff or other students. Punishments that are cruel and unusual, demeaning, degrading, humiliating, excessive, or unreasonable are prohibited. The use of obscene or abusive language by school staff or students is prohibited. Corporal punishment is prohibited. However, staff may use reasonable physical force to restrain a student for self-defense, to protect others or property, or to maintain order.

10. The Right to Participate

A student has the right to be a member of a school club or organization as long as he or she meets the criteria for membership. School clubs and organizations must apply criteria for membership to all applicants equally. Under federal law, no club or organization may restrict memberships on the basis of age, color, disability, marital or parental status, national origin, race, sex, sexual orientation, political opinion or affiliation, and/or religion, or for any reason. A student may petition the principal to form a new school club or organization. If the club or organization meets the guidelines of the Jefferson County Board of Education, a faculty sponsor will be selected by the principal and students. The students and their faculty sponsor are entitled to use school facilities, including classrooms and the public-address system, as approved by the principal.

11. The Right to Freedom From Unreasonable Search and Seizure of Property*

A student has the right to freedom from unreasonable search and seizure of his or her person and property. School officials, however, have a right under the law to search students or their property whenever there is a reasonable suspicion that they have something that violates school rules or endangers others. Students may be searched to maintain the ongoing educational process, to maintain order, and/or to protect people and property. Searches may include the student and his or her locker, desk, automobile, or personal belongings. A personal search includes a search of a student's accessories (purse, wallet, backpack, cell phone, notebooks, gym bag, etc.) and/or outer garments (pants/skirt pockets, shirt/blouse pockets, pant legs, socks, shoes, jacket pockets, waistband, etc.) that **would not** require disrobing. The Police Detection Canine Team may conduct random and unannounced searches of general school areas, including school lockers and parking lots. A hand-held metal detector may be used by a school official who has reasonable suspicion that the student is in possession of a weapon.

*This section is a summary of the district's student search procedure.

12. The Right to Due Process and Appeal

A student has the right to due process anytime a charge is made against him or her. This means that the student has the right to know what he or she is accused of doing, the right to know the evidence for the charge, and the right to present his or her perspective regarding the charge.

The student or parent/guardian has the right to appeal any action taken by the school that he or she believes to be an unfair or inequitable application of the *Code of Acceptable Behavior and Discipline* or the *Student Bill of Rights*. Students and parents/guardians will be informed of these rights at the beginning of the school year or when the student enrolls in school.

The student or parent/guardian must initiate the appeal. He or she should do the following:

1. First, try to resolve the problem by discussing it with the people involved.
2. If that is unsuccessful, he or she should request an informal hearing with the principal/designee. A decision can be expected within five school days. A written decision may be requested.
3. If the student or parent/guardian is not satisfied with the decision, he or she may contact the School Liaison Office.
   High School Liaison **485-3664**
   Middle School Liaison. **485-3549**
   Elementary School Liaisons **485-3495**

Procedures for appealing suspensions are found on pages 12 through 15 of the *Code of Acceptable Behavior and Discipline.*

13. The Right to Freedom From Harassment and Discrimination

The JCPS District is governed by federal, state, and local antidiscrimination laws and acts. JCPS has adopted policies that forbid harassment and discrimination in providing equal educational opportunities on the basis of age, color, disability, marital or parental status, national origin, race, sex, sexual orientation, political opinion or affiliation, and/or religion. In cases where a student and/or parent/guardian thinks that a student has been harassed or discriminated against for any reason, the parent/guardian/student must file a complaint by following the Jefferson County Board of Education Discrimination Grievance Procedure. A copy of the procedure and the necessary forms for filing are available in the local school or in the Compliance and Investigations Office.

Discrimination Grievance Procedure

The following steps are to be followed:

1. Discuss the grievance with the principal of the school.
2. Expect a decision at the end of the informal meeting or within a reasonable time thereafter (five school days).
3. File with the director of Compliance and Investigations a formal written complaint within five school days of the informal decision if the principal's decision is unsatisfactory in resolving the issue.
   Compliance and Investigations Office
   Jefferson County Public Schools
   C. B. Young Jr. Service Center
   3001 Crittenden Drive, Room 152D
   Louisville, KY 40209-1104• **485-3341**

For further information regarding confidentiality and student records, you may contact your school principal or the director of Pupil Personnel.

Glossary

504 Plan—a written plan for students with a disability as defined by Section 504 of the Rehabilitation Act of 1973

Academic Dishonesty—any attempt to gain academic credit or recognition to which one is not entitled or to assist others in doing so

Alternative School/Program—a school or program with the structure and support needed to help a student succeed when he or she is transferred from a regular school for unacceptable behavior. A student who has been assigned to an alternative school/program must complete the requirements of the school/program or must receive approval from the executive director of Student Relations and Safety in order to return to another Jefferson County public school.

Appeal—to challenge any teacher's or administrator's action or decision that the student or parent/guardian believes to be unfair or an inequitable application of the *Code of Acceptable Behavior and Discipline* and the *Student Bill of Rights*

ARC (Admissions and Release Committee)—a committee that is responsible for the development, implementation, and monitoring of the IEP (Individual Education Program) for each student being served in ECE Programs

Arson—intentionally damaging property by starting a fire. Arson with staff/students present is a behavior violation that can result in an alternative program placement.

Assault—intending to or causing physical injury to another person by means of a deadly weapon or dangerous instrument, or intentionally causing physical injury to another person. Arson with staff/students present, sexual assault, and physical sexual abuse of any kind are considered an assault. (See also KRS 508.010, 508.025, 508.030, and 508.020.)

Bomb/Terrorism Threat—a statement that an explosive device or a dangerous chemical/biological/nuclear substance has been/will be placed on school property or at a school-sponsored event

Bullying—repeated, deliberate acts of intimidation or harassment inflicting or threatening to inflict emotional or physical harm on another person—includes virtual and physical environments

Burglary—entering or unlawfully remaining in a building, vehicle, or other enclosed area with the intent to commit a crime

Code—refers to the *Code of Acceptable Behavior and Discipline*

Consensual Sexual Contact—deliberately engaging in sexual relations with another person on school grounds or at a school-sponsored event

Criminal Abuse—when a student intentionally or recklessly tortures, confines, or punishes another student who is under 12 years of age or who is physically or mentally helpless

Corporal Punishment—any type of physical punishment. Corporal punishment is prohibited by the Board of Education.

Criminal Violation—any action that violates the law. Students and parents/guardians who commit a crime on school property or in the care of the school may be prosecuted.

Dangerous Instrument—any object or substance capable of causing serious injury that one uses, attempts to use, or threatens to use to harm another person

Deadly Weapon—an object that has no normal purpose other than to hurt or kill people (includes knives other than ordinary pocket or hunting knives)

Discrimination—making a distinction in the treatment of people due to race, color, national origin, age, religion, marital or parental status, political beliefs, sex, sexual orientation, or disability

Disorderly Conduct—committing or attempting to commit a breach of peace (includes unlawful assembly, disturbing the peace, disturbing meetings, and resisting an officer)

Disruption—any deliberate action by the student that interferes with the educational process

Distribution—selling or giving anything against the law or the rules of the school/school district to another student

Drug—a prescription drug or controlled substance as defined by law

Due Process—telling a student what he or she has done wrong, giving him or her the opportunity to answer the charge(s), and ensuring the right to appeal any disciplinary action

ECE (Exceptional Child Education) Programs—programs available for students who qualify as disabled and need special education and/or related services

Embezzlement—misappropriating or misapplication of money or property entrusted to one's care, custody, or control (includes altering financial records)

Entry Log/Exit Log—an official document that is kept in the school office and used for students to sign when late to school or when leaving early from school

Excused Absence—when a student is not present in school for reasons of illness, a visit to a ~~physician or dentist~~ medical professional, a death in the family, a religious holiday, or another reason approved by the school administrator

Exhibitionism—the showing or inappropriate exposure of the buttocks, pubic area, or female breasts

Expulsion—the involuntary removal of a student from school for more than 20 days

Explosive—a device or object that is likely to explode

Extortion—the obtaining of money or property from an unwilling person by intimidation or threat of physical force

Fee Wavier—release of the responsibility of paying required instructional fees or charges. A student or parent/guardian of a student who is eligible for free or reduced-price meals may apply for a waiver of required instructional fees.

Felony—the classification of serious crimes defined by law

Forgery/Counterfeiting—falsifying, altering, or producing documents or signatures

Fraud—obtaining money or property by false pretenses or deception

FRYSC (Family Resource and Youth Services Centers)—support programs created as part of KERA (Kentucky Education Reform Act) to help students succeed in school by meeting some of their basic needs. Community services may be offered at the centers or by referral to agencies in the community.

Gambling—betting money or property on the outcome of any event

Harassing Communications—when a student (in a school setting, at a school-sponsored event, or using an electronic account provided by the school) communicates with or about another student or school employee—anonymously or otherwise—by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication, in a way that a reasonable person would agree causes the recipient to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication

Harassment—persistent efforts with intent to annoy or worry another person with repeated attacks or threats of physical violence or the expression of hatred, contempt, or prejudice toward an individual. This can occur in virtual as well as physical environments, and it can include the deliberate damaging or theft of another student's property.

Hearing—a chance to present one's case. Informal hearings are held for most disciplinary actions. A formal hearing is held when a student has been suspended to the Central Office for 11 to 20 days or has been recommended for expulsion.

Intimidation—preventing or attempting to prevent school personnel or students from performing their responsibilities through threats, violence, verbal/physical harassment, or sexual harassment

ISAP (In-School Adjustment Program)—a disciplinary measure where the student remains in school while all privileges are suspended and classes are not attended. Generally, the student develops a behavior management plan and then is either given regular class assignments or instructional packets to complete.

JCPS Safe and Drug-Free Schools Unit—a JCPS program that provides students with assessment, prevention, intervention, and referral services for violence, use of tobacco products, and alcohol/drug-related problems. The length of a suspension often may be reduced by the assistant director of Student Relations if a student goes for assessment.

Leaving School Grounds—leaving the school building and the school property without permission from staff. Failure to respond to a call to the office may be treated as leaving school grounds.

Look-Alike Drug—any substance that can be reasonably mistaken for a controlled substance is considered a look-alike drug. This includes nonalcoholic beer and wine. Any student who uses, distributes, or represents a look-alike drug as authentic will be treated the same as if it were authentic, according to state and federal laws.

Look-Alike Weapon—any toy or model weapon that looks enough like an authentic weapon to be reasonably mistaken for one will be considered a look-alike weapon. Any student who represents a look-alike weapon to a staff member or another student as a real weapon and/or uses it to intimidate, threaten, or harass someone will be treated the same as if he or she used a real weapon, according to state and federal laws.

Make-Up Work—assignments provided for students returning from an absence (includes only written daily work, tests, and major projects)

Medical Professional—a person who is licensed to provide medical services (doctor, dentist, psychologist, etc.)

Menacing—intentionally engaging in an action or threatening to engage in an action that has the potential to injure another student or staff member

Paging Devices—instruments used to contact someone as defined by state law. Paging devices include pagers, cellular telephones, and other telecommunication devices as defined by state law.

Physical Restraint—using physical force to hold a student to prevent him or her from hurting someone or destroying property

Police Detection Canine Team—a unit consisting of a police officer and a trained dog. The principal may request the use of the team to conduct a search of school lockers, parking lots, and all other school property.

Police Referral—a report filed by the school administrator with the police department for felony offenses. Police determine whether an arrest is warranted. The principal or administrator has the discretion whether to sign a complaint for offenses that do not warrant arrest.

Possession—holding something stolen or against rules/laws or hiding it in clothing or property

Pre-Expulsion Procedures—initial steps taken to begin the process of expelling a student from school

Referral Form—a written report (Pupil Disciplinary Referral Form) of a behavioral violation that is submitted to a principal or other administrator for decision of disciplinary action

Failure to Follow Directives—the willful refusal by a student to respond appropriately to reasonable directions from authorized school personnel (including failure to identify oneself) or to accept in-school disciplinary measures

Robbery—theft involving the use of physical force, deadly weapons, or dangerous instruments

Searches—to go through or look carefully and thoroughly to find or discover something. School officials have the right to search students or their property whenever there is reasonable suspicion that they have something that violates school rules or endangers others.

Sexual Assault—sexual contact by force or intimidation

Sexual Harassment—includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical behavior of a sexual nature

Stalking—engaging in behavior that intentionally alarms, annoys, intimidates, or harasses the student victim to the point that it causes mental duress for the student who is being stalked. This may include threatening physical injury or death, sexually harassing or annoying behaviors, or other behaviors that are persistent and intimidating to the student victim.

STOP (Suspension/Truancy Off-site Program)—an alternative to suspension where a student can attend school at one of seven regional sites

Suspension—involuntary removal of a student from class attendance or school attendance for 1 to 20 days

Telecommunication Devices—devices that emit an audible signal, vibrate, display a message, or otherwise summon or deliver a communication to the possessor

Terroristic Threatening—making a statement of intention to commit a crime that is likely to cause death, physical injury, or substantial property loss

Theft—taking property that belongs to the school or another person without permission

Tobacco Products—any product that contains the prepared leaves of a tobacco plant and that is used for smoking, chewing, or snuffing

Truant—any student who has been absent from school without valid excuse for more than three days or tardy on more than three days

Unexcused Absence—when a student is not present in school and does not have a valid excuse

Vandalism—intentionally damaging or defacing the property of the school or another person

Wanton Endangerment—an action that puts others at serious risk of death, serious physical injury, or substantial danger of physical injury

Weapon—any object that is used to hurt or intimidate another person. This includes dangerous instruments and deadly weapons as defined by law.

Zero Tolerance—refers to the policies adopted by the Board of Education to ensure that schools are safe and free of drugs as required by the guidelines in the Gun-Free Schools Act of 1994, the Safe and Drug-Free Schools and Communities Act of 1994, and the Drug-Free Workplace Act of 1988

Index

Alternative Programs 17, 30
Appeal Procedures:
- Appeal Process Chart 14
- Due Process 9
- Long-Term/Central Office Suspension 13
- Long-Term/Central Office Suspension With Recommendation for Placement in an Alternative School 13
- Short-Term Suspension 13

Attendance/Truancy Policy 20
Behavior Violations 20
- Elementary School Behavior Violations and Consequences Chart .. 18
- Middle and High School Behavior Violations and Consequences Chart 19

Bill of Rights 25
Bomb Threats 18, 19, 30
Cellular Telephones 22
Central Office Suspensions 13
Classroom, Removal From the 17
Conference, Parent/Guardian 11
Consequences Charts 18, 19
Corporal Punishment 30
Counsel, Right to 9
Criminal Violations 18, 30
Dangerous Instruments 17, 30
Disciplinary Measures:
- Administrator's 10
- Board of Education's 10
- Central Office Administrator's 10
- Classroom Teacher's 10
- Discipline Process, The 10
- Early Childhood Preschool Students 20
- Referral Procedures 10

Discrimination 9, 29, 30
Drugs:
- Look-Alikes 16, 17, 31
- Zero Tolerance 15, 31

Due Process 9, 30
Early Childhood Preschool Students 20
Electronic Equipment 22
Expulsion 15, 30
Formal Hearing 11
Gangs 17
Glossary 30
Harassment/Discrimination 9, 30
Look-Alike Drug 16, 17, 31
Look-Alike Weapon 17, 20, 31
Make-Up Work 21, 31
Misbehavior on the School Bus 9
Misconduct 18
Paging Devices 22, 31
Parent/Guardian Conference 11
Physical Restraint 9, 31
Placement in an Alternative School 13, 15
Possession/Under the Influence 16, 31
Referral, Discipline 10, 31
Removal From the Classroom 17
Responsibilities, Student, Staff, and Parent/Guardian 8
Rights:
- Academic Grades 27
- Access to Services 28
- Assembly 28
- Confidentiality 27
- Counsel 9
- Dress and Appearance 28
- Due Process and Appeal 29
- Education 27
- Freedom From Abuse 29
- Freedom From Harassment and Discrimination 29
- Freedom From Unreasonable Search and Seizure of Property ... 29
- Freedom of Expression 28
- Make-Up Work 27
- Participate 29
- Representation and Involvement 28
- School Publications and Censorship 28

Role of the School Guidance Counselor 11
Rules 9
Search and Seizure 23
STOP 11, 31
Student Searches 15, 23, 31
Suspensions:
- Administrator's Disciplinary Measures 10
- Appeal Procedure for Placement in an Alternative School 13
- Due Process and Appeal 12
- Exceptional Child Education Students 12
- Formal Hearing 11
- Make-Up Work 11, 21, 27
- Misbehavior on the School Bus 9
- Procedures 10
- Section 504 Students 12
- STOP 11, 31
- Violations Charts 18, 19

Telecommunication Devices 22
Tobacco Products 15, 18, 19, 31
Trafficking and Distribution 16
Truancy Policy 20
Violations Charts 18, 19
Weapons 17, 18, 19, 31
- Look-Alike 17, 20, 31

Zero Tolerance:
- Alcohol 16
- Drugs 16
- Possession/Under the Influence 16
- Tobacco Products 15
- Trafficking and Distribution 16
- Violence 16

Questions concerning the *Code of Acceptable Behavior and Discipline* and the *Student Bill of Rights* should be directed to the executive director of Student Assignment, Health, and Safety (**485-6140**), to the director of Safe and Drug-Free Schools (**485-3260**), or to the director of Pupil Personnel (**485-3338**); or write to P.O. Box 34020, Louisville, KY 40232-4020.

Jefferson County Board of Education
Stephen Imhoff, Chairman
Diane L. Porter, Vice-Chairman
Linda Duncan
Carol A. Haddad
Joseph L. Hardesty
Larry Hujo
Debbie Wesslund

Jefferson County Public Schools
Shaping the Future

www.jcpsky.net

Equal Opportunity/Affirmative Action Employer Offering Equal Educational Opportunities

81116 CodeOfConductBk 3/11rj