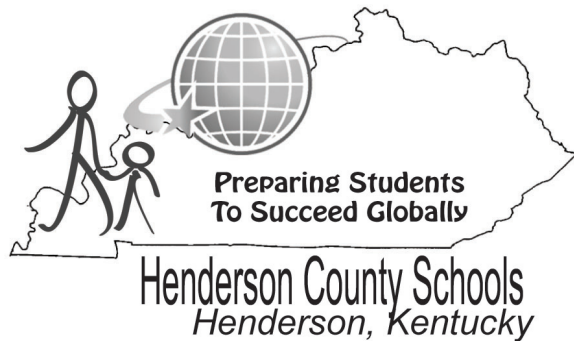


HENDERSON COUNTY SCHOOLS

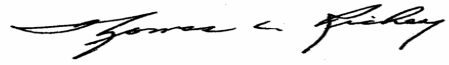


STUDENT CODE OF CONDUCT HANDBOOK

2011-2012

Message from Superintendent

It is the intent of the Henderson County Board of Education to provide a positive, safe and nurturing school environment whereby teaching and learning are grounded in a climate of high expectations and maximum development of each student.



Dr. Thomas L. Richey

Procedures for Annual Review of Code of Conduct

On April 19, 2010 a committee worked together to review current policies, procedures, and the Henderson County Schools Student Code of Conduct Handbook. Revisions of policy and format layout for the Student Code of Conduct Handbook were suggested.

Additional changes were made for the 2011-2012 handbook in June 2011.

The Board of Education approved the 2011-2012 Student Code of Conduct Handbook on July 18, 2011.

Public Notice Henderson County Board of Education Non-Discrimination Policy Statement

Students, their parents, employees, and potential employees of the Henderson County Schools are hereby notified that the Henderson County School System does not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or disability in employment programs, vocational programs, or activities set forth in compliance with the Office of Civil Rights, Title VI, Title VII, Title IX, ADA and Section 504.

The Henderson County School System offers the following career and technical education programs for students in grades 9-12: Agriculture, Family and Consumer Science, Business Technology, Marketing, and Technology Education. Career and technical education classes are available in the following areas to students in grades 10-12: Automotive Technology, Construction (Carpentry & Welding), Electricity, Information Technology, Health Sciences, Machine Tool Technology & Pathway to Careers.

Any persons having inquiries concerning Henderson County Schools compliance with the Office of Rights Law, Title VI, Title VII, Title IX, ADA, and Section 504 are directed to contact Bruce Swanson, Director of Human Resources or Marganna Stanley, Assistant Superintendent for Administration, at the Henderson County Board of Education, 1805 Second St. Henderson, KY 42420, Phone: (270) 831-5000.

School District Name and Address:

Henderson County Schools
1805 Second St.
Henderson, KY 42420
270-831-5000

School District Superintendent:

Dr. Thomas L. Richey
1805 Second St.
Henderson, KY 42420
270-831-5000

Student Code of Conduct Contact Person:

Marganna Stanley, Assistant Superintendent for Administration
1805 Second St.
Henderson, KY 42420
270-831-5000

School District Student Code of Conduct Committee:

Kasey Farmer	Casey Richison	Hailey Hartman
Holly Hartman	Pam Garner	Mary DeAngelis
Stacey Stephen	Bonnie Rupsch	Leslie Bartow
Shannon Montgomery	Kaelin Hildreth	Clay Clevenger
Kim Marshall	Becky Thomas	Chad Thompson
Karla Church	Rhonda Gillham	Virginia Lancaster
Amy Brown	Leon Poindexter	Steve Steiner
Jodi Pruden	Heidi Wood	Jeff Coursey
Doneta Williams	Marganna Stanley	

Procedures for Annual Review of the Code

- A committee is formed to review the existing Code each year.
- Modifications and appropriate revisions are made.
- The committee presents the revised Code to the Henderson County Board of Education.
- The Code is reprinted after approval from the Henderson County Board of Education.

Procedures for Distribution of Student Code of Conduct Handbook

- A copy of the Code will be available for download and printing on the Henderson County Schools district website at www.henderson.kyschools.us Any parent who request a book can do so at the child's school and at the Board of Education, 1805 Second Street.
- A copy of the Code will be available to all media that makes a request.
- Each teacher will discuss the Code in his/her classroom during the first week of school.

Henderson County Schools

1805 Second Street, Henderson, Kentucky 42420

(270) 831-5000 Fax: (270) 831-5009

<http://www.hendersonschools.net>



ASSURANCES FOR THE STUDENT CODE OF CONDUCT HANDBOOK

This is to certify that I, Thomas L. Richey, Superintendent of Henderson County Schools did have the 2011-2012 Student Code of Conduct Handbook for the Henderson County Schools reviewed by legal counsel.

Signed Thomas L. Richey Date 6-20-11

This is to certify that I, Beth Bird, legal counsel of Henderson County Schools did review the 2011-2012 Student Code of Conduct Handbook for the Henderson County Schools.

Signed Beth Bird Date 6-20-11

This is to certify the Henderson County Schools Board of Education did approve the 2011-2012 Student Code of Conduct Handbook for the Henderson County Schools.

Signed Beth Bird Date 6-20-11

Henderson County Schools
2011-2012 Calendar of Events

August 3, 2011	District-Wide Inservice
August 4	First Day for Students
September 5	Labor Day - no school
September 19-30	Testing Window (EXPLORE, PLAN)
October 10-14	Fall Break
October 20	Report Cards Issued
November 8	Election Day - No School - PD Day
November 23-25	Thanksgiving Break - no school
December 21-Jan 2	Winter Break - no school
January 2, 2012	First Day Back from Winter Break
January 5	Report Cards Issued
January 16	Martin Luther King, Jr. Day - no school
March 6	ACT Test Date
March 17	Report Cards Issued
March 20	ACT Make Up Test Date
March 29 - 30	Spring Break (possible make up day)
March 31 - April 1	Spring Break
April 27 - May 15	State Testing Window
May 15	Last day for students - Report Cards Issued
May 18	HCHS Graduation
May 29	Henderson County Academy Graduation
May 21-25	Make Up Days
May 25	HCHS Graduation - Alternate date, if needed

Make up days for the 2011-2012 school year are:

February 20, 2012

March 29

March 30

May 17

May 18

May 21

May 23

May 24

May 25

Students, staff and parents are advised to avoid making plans for any of these days.

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RIGHTS AND RESPONSIBILITIES

The United States Constitution provides for the protection and safeguard of all citizens. There is, however, a responsibility inherent in all rights. All participants in the education process, therefore, must exercise self-discipline and care to afford equal rights to all and to ensure that their actions do not infringe upon the rights of others. All participants have the right and responsibility to know and to understand the basic code of conduct expected of them. The following outlines the basic rights and responsibilities of each group of participants in the educational process.

STUDENTS RIGHTS AND RESPONSIBILITIES

STUDENTS HAVE THE RIGHT TO:

- Expect a system of public education, which meets the needs of individual students.
- Receive reasonable and timely notice of all rules, regulations, policies and penalties.
- Expect physical safety and protection of their personal property.
- Consult with teachers, counselors, administrators and other personnel.
- Seek and hold office in student organizations and to campaign for their peers.
- Examine their personal school records. Parents/guardians or their authorized representatives have that same right.
- Participate in school activities without being subject to discrimination on the basis of race, sex, religion, or national origin.

EACH STUDENT HAS THE RESPONSIBILITY TO:

- Be accountable for his/her own conduct and for showing consideration for the rights and property of others.
- Exhibit neatness and cleanliness in personal dress and hygiene.
- Refrain from fighting, creating disturbances, excessive noise, abusive language, denying others the use of school facilities or buildings, using or carrying any weapons on school premises or at school activities, intentionally injuring another person or exposing others to harm, or using threats or intimidation against any other person.
- Refrain from gambling, extortion, theft, or any other unlawful activity.
- Refrain from possessing, using, or transmitting any tobacco, alcoholic beverage, or illegal or controlled substance on any school property.
- Show respect for the educational process by taking advantage of every opportunity to further his/her education.
- Practice self-control at all times.
- Care for the equipment and the physical facilities of the school by refraining from willful destruction and damage.
- Follow the rules and regulations of the Board of Education and/or the school administration.

PARENT/GUARDIANS RIGHTS AND RESPONSIBILITIES

PARENT/GUARDIANS HAVE THE RIGHT TO:

- Send their child to a school with an environment where learning is valued.
- Expect that classroom disruptions will be dealt with fairly, firmly, and quickly.
- Enroll students in the public school district.
- Expect the school to maintain high academic standards.
- Review the student's academic progress and other pertinent information which may be contained in the student's personal records.
- Address a question concerning their child to the proper authority and to receive a reply within a reasonable length of time.

PARENTS/GUARDIANS HAVE THE RESPONSIBILITY TO:

- Instill in their children the value of an education.
- Instill in their children a sense of responsibility.
- Instill in their children a sense of respect.
- Understand that unnecessary interruptions in the school are detrimental to the educational program for all students.
- Be familiar with educational programs and the procedures.
- Inform children about the disciplinary procedures of the school and emphasize the importance of following guidelines.
- See that children attend school regularly and properly.
- Check with the proper school officials regarding the facts of any situation in question.
- Support the efforts of school personnel.
- Demonstrate a respect for teachers, administrators, and school personnel at school and all other school related activities.
- See that students exhibit neatness and cleanliness in their personal attire and hygiene.

TEACHERS RIGHTS AND RESPONSIBILITIES

TEACHERS HAVE THE RIGHT TO:

- Receive the support of co-workers, administrators, and parents.
- Work in the educational environment with a minimum of disruptions.
- Expect all assignments, including homework, to be completed and returned as assigned.
- Enjoy safety from physical harm and freedom from verbal abuse.
- Provide input to aid the formulation of policies that relate to their relationships with students and school personnel.
- Take action to protect their own person or property or the persons or properties of those in their care.

TEACHERS HAVE THE RESPONSIBILITY TO:

- Present subject matters and experiences to students and to inform students and parents or guardians of achievement and/or problems.
- Aid in planning a flexible curriculum which meets the needs of all students and which maintains high standards of academic achievement.
- Assist in the administration of such discipline as is necessary to maintain order throughout the school without discrimination on any basis.
- Evaluate student assignments and return them as soon as possible.
- Exhibit good behavior in action and speech.
- Exhibit neatness and cleanliness in personal dress and hygiene.
- Reward good behavior.
- Maintain an atmosphere conducive to good behavior and to exhibit an attitude of respect for students.
- Recommend retention for any student who fails to meet the basic standards for a class.
- Maintain necessary records of student progress and attendance as accurately as possible.
- Follow and enforce rules and regulations of the Board of Education and/or school administration.
- Care for the equipment and physical facilities of the school.

PRINCIPAL/DESIGNATED ADMINISTRATOR RIGHTS AND RESPONSIBILITIES

PRINCIPAL/DESIGNATED ADMINISTRATORS HAVE THE RIGHT TO:

- Receive the support of students, parents, teachers in carrying out the educational programs and policies established by the school system.
- Provide input for the establishment of procedures and regulations that relate to the school.
- Enjoy safety from physical harm and verbal abuse.
- Take necessary action to protect their own person or property, or the persons or property of those in their care.
- Suspend any student whose conduct disrupts the educational process.
- Administer the school environment to provide the proper learning atmosphere.

PRINCIPAL/DESIGNATED ADMINISTRATORS HAVE THE RESPONSIBILITY TO:

- Create and foster an atmosphere of mutual respect and consideration among pupils and staff members.
- Administer discipline fairly and equally following the guidelines set forth herein.
- Exhibit good behavior in action, dress and speech.
- Implement and evaluate all aspects of the educational program to improve learning and to comply with the policies, regulations, procedures, or laws of the district, state and nation.
- Direct a program of dissemination of information explaining the code of conduct to the school community.

CLASSIFIED/OTHER CERTIFIED PERSONNEL RIGHTS AND RESPONSIBILITY

CLASSIFIED/OTHER CERTIFIED PERSONNEL HAVE THE RIGHT TO:

- The support of students, parents, teachers and administrators in carrying out policies and procedures established by the school system.
- Work in a positive school climate with a minimum of disruptions.
- Be safe from physical harm and verbal abuse.
- Provide input to committees designed with the responsibility of drafting policies that relate to their relationships with students and school personnel.
- Take action necessary in emergencies pertaining to the protection of persons or property.

CLASSIFIED/OTHER CERTIFIED PERSONNEL HAVE THE RESPONSIBILITY TO:

- Exhibit exemplary behavior in terms of dress, action, language, and voice.
- Exhibit respect for all students.
- Maintain confidentiality in regard to all student records.
- Report discipline problems to the appropriate personnel.

NON-EMPLOYED (VOLUNTEERS) SCHOOL REPRESENTATIVES

NON-EMPLOYED SCHOOL REPRESENTATIVES HAVE THE RIGHT TO:

- Work in a positive school climate with a minimum of disruptions.
- Be safe from physical harm.
- Be free from verbal abuse.

NON-EMPLOYED (VOLUNTEERS) SCHOOL REPRESENTATIVES HAVE THE RESPONSIBILITY TO:

- Exhibit exemplary behavior in terms of dress, action, language and voice.
- Exhibit respect for all students.
- Assist teachers, paraprofessionals and administrators in the performance of their duties as assigned by principal or designee.
- Be familiar with the educational programs and procedures.
- Support the efforts of the school personnel.
- Maintain confidentiality in regard to all student information.

POLICY AND PROCEDURES

STUDENTS

09.123

ABSENCES AND EXCUSES

Pupils are required to attend regularly and punctually the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of [702 KAR 007:125](#).¹

Tardiness is not just being late for school as traditionally interrupted; it is defined by law as “any moment of instructional time missed that is the length of one (1) minutes to fifty-nine (59) minutes.”

Teachers are required to keep an accurate attendance record for each of their classroom assignments.

TRUANCY DEFINED

Any student who has attained the age of six (6), but has not reached his/her eighteenth (18th) birthday, who has been absent from school without valid excuse for three (3) days or more, or tardy without valid excuse on three (3) days or more, is a truant.

Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his/her twenty-first (21st) birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

Any student who has been reported as a truant two (2) or more times is a habitual truant.

The Director of Pupil Personnel may hold a parental conference and/or attendance hearings with the student and parent(s) after a student is truant.

For the purposes of establishing a student's status as a truant, a student's attendance record is cumulative for an entire school year. When students transfer from one Kentucky district to another, attendance information from the previous district shall become part of their official attendance record for that school year.

EXCUSED ABSENCES

Reasons for an excused absence or tardiness include:

1. Death, funeral, or severe illness in the pupil's immediate family,
2. Illness of the pupil,
3. Religious holidays and practices,
4. Appointments with doctor or dentist,
5. Failure of bus transportation,
6. Summons to appear in court,
7. One (1) day for attendance at the Kentucky State Fair as a participant,
8. Documented military leave,
9. One (1) day prior to departure of parent/guardian called to active military duty,
10. One (1) day upon the return of parent/guardian from active military duty,
11. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave,
12. Other valid reasons as determined by the principal, including trips qualifying as educational enhancement opportunities.

Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

Unless the principal determines that extenuating circumstances exist, requests for date(s) falling within state or district testing periods shall not be granted.

The principal's determination may be appealed to the superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures.

Students receiving an excused absence under this section shall have the opportunity to make up school work missed and shall not have their class grades adversely affected for lack of class attendance or class participation due to the excused absence.

Within three (3) school days of an absence, students shall submit a written statement of verification from a parent, doctor, or public health official which shall be approved by the principal or the principal's designee in order for the absence to be excused.

Any absence or tardy, regardless of the length of time, is considered an attendance event.

A maximum of eight (8) absences and/or tardy events per school year (4 per semester) may be excused by a parent note.

A statement from a medical practitioner, dentist, the judicial system, or county health department will be required for any additional absences and/or tardies.

UNEXCUSED ABSENCES

All other absences shall be considered unexcused. Absences before or after a scheduled holiday, Christmas break, spring break, intersessions, or the senior prom will be automatically unexcused unless the student shows proof of a doctor's excuse or an emergency. In the event of an emergency or doctor's statement, the principal's designee will check to verify that the reason is authentic.

LOSS OF SCHOOL PRIVILEGES

Students may lose school privileges if their attendance results in six (6) or more unexcused absences or six (6) or more unexcused tardies.

MAKEUP WORK

In order to receive credit for makeup work, a student with an excused absence shall be required to makeup class work missed within five (5) school days of his/her return to school. Within the five (5) day limit, teachers shall have the discretion to base the number of days required to complete a makeup assignment on the length of the assignment and the number of days missed. Students shall receive a zero (0) for each assignment not madeup within the specified five (5) day or less period.

A students will receive a zero (0) for class work and examinations missed during unexcused absences and will not be allowed to make-up that class work or examination unless the class work and/or examination missed is a major test (meaning a test accounting for 1/5 or more of the student's nine-week grade), a nine weeks examination, a semester examination, or a term paper. All make-up work must be completed within five (5)

school days of the student's return to school. Within the five (5) day limit, teachers shall have the discretion to base the number of days required to complete a make-up assignment on the length of the assignment and the number of days missed.

A student who has been suspended will receive a zero (0) for class work and examinations missed during suspension and will not be allowed to make up that class work or examination unless the class work and/or examination missed is a major test (meaning a test accounting for 1/5 or more of the student's nine-week grade), a nine-week examination, a semester examination, or a term paper. Makeup work shall be completed within the time limits specified in the above paragraph.

Students shall be responsible for contacting teachers concerning makeup work.

ELEMENTARY SCHOOL/MIDDLE SCHOOL /HIGH SCHOOL

Any student who is absent ten (10) or more days unexcused, in a particular class during the school year is subject to failure in that class.

Each student shall have a minimum of ten (10) grades recorded for each grading period.

Any student who is under doctor's orders not to return to school and who is not on homebound instruction is responsible for all work missed. That student is to contact the school and request assignments for one (1) week, allowing the school 24 hours to collect the assignments. The student then has one (1) week to complete the assignments. The assignments shall be returned to the school and assignments for the next week shall be requested. The student has one (1) week to complete the work without being penalized. If no work is returned within the week, the student receives failing grades for each week absent.

Any student who is absent ten (10) or more days with a valid doctor's excuse will have a parent conference with the principal or designee of the school to complete a Consent for Exchange of Information and Release of Records.

STUDENTS WITH DISABILITIES

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

REFERENCES:

[1702 KAR 007:125](#),

[KRS 36.396](#), [KRS 38.470](#), [KRS 40.366](#), [KRS 158.070](#), [KRS 158.183](#), [KRS 158.293](#),
[KRS 158.294](#), [KRS 159.035](#), [KRS 159.140](#), [KRS 159.150](#), [KRS 159.180](#),
[OAG 76566](#), [OAG 7968](#), [OAG 79539](#), [OAG 9179](#), [OAG 96-28](#)

RELATED POLICIES: 08.1312; 08.221; 08.22209.111, 09.122, 09.1231, 09.4281, 09.434109.126 (RE REQUIREMENTS/EXCEPTIONS FOR STUDENTS FROM MILITARY FAMILIES)

Attendance/Truancy Prevention Forms

EDUCATIONAL ENHANCEMENT OPPORTUNITY REQUEST FORM

To request an absence to attend or participate in an educational activity, please complete this application form and return it to your school principal at least five (5) days prior to the absence. Such an absence as requested by this signed application and approved by the school principal, will be considered an excused absence. The major intent of the activity must be educational in order for the student to be granted this type of absence. The proposed activity must have significant educational value and be composed of an intensive program related to the core curriculum (e.g. art programs, dance programs, State Fair activities, workshops that are educational in nature, college visits, etc.). The Principal will use his/her good judgment to determine if the activity meets guidelines. A student may be approved for up to ten (10) days of absence per year for this purpose. Students who are granted an absence under this law will be allowed to make up all school work. Student grades can not be affected by lack of attendance or participation in classes for approved days. This type of absence can not occur during school-wide or District-wide assessments, unless there are extenuating circumstances that are approved by the Principal. Decisions may be appealed to the Superintendent and then to the Board of Education.

Student Full Legal Name: _____ Date of Application _____

Name of School _____ Homeroom Teacher _____

Date of Birth: _____ Age: _____ Grade Level: _____ Home Phone _____

Residence Address: _____

City: _____ State: _____ Zip Code: _____

of Excused Absences To Date _____ # of Unexcused Absences To Date _____

of Total Absences to Date _____

Date(s) of Intended Absence(s) _____

Please explain the nature of the event the student will be attending and how the activity meets the criteria of (1) having an educational purpose, (2) having "significant educational value," and (3) how the activity is directly related to one of the core curriculum subjects of English, science, mathematics, social studies, foreign language or the arts. Please attach a schedule of activities/events to be attended. (Use additional paper, if needed, and attach to this completed form.)

Signature of Student

Date

Signature of Parent/Guardian

Date

Attendance/Tuancy Prevention Forms
EDUCATIONAL ENHANCEMENT OPPORTUNITY REQUEST FORM

FOR SCHOOL USE ONLY

(THIS SECTION TO BE COMPLETED BY THE SCHOOL PRINCIPAL / DESIGNEE)

This request must meet all three (3) criteria to be eligible for an educational opportunity absence:

1. This request is for an absence that will have "significant educational value" and be "intensive" in nature. Yes ☐ No ☐
2. This trip is tied to one of the core curriculum subjects of English, science, mathematics, social studies, foreign language or the arts. Yes ☐ No ☐
3. The major purpose of the trip is educational. Yes ☐ No ☐

As Principal, ☐ I recommend ☐ I do not recommend that this educational opportunity absence be granted.

Principal's Rationale _____

Signature of Principal

Date

FOR CENTRAL OFFICE USE /APPEAL OF PRINCIPAL'S DECISION

As Superintendent/Designee, ☐ I recommend ☐ I do not recommend that this educational opportunity absence be granted.

Superintendent/Designee's Rationale _____

Signature of Superintendent/Designee

Date

The District ☐ does grant ☐ does not grant this educational opportunity absence.

Signature of Board Chairman

Date

Attendance/Truancy Prevention Forms

MEDICAL EXCUSE FORM

This form is required ONLY after ten (10) medically excused absences or tardies.

Student Name: _____

I hereby authorize this health care provider to release the information requested on this form for my child listed above. _____

Parent or Guardian Signature

Date of Appointment: _____

Time of Appointment: _____ Time In: _____ Time Out: _____

Reason for Appointment (check only one)

☐ Routine Office Visit ☐ Follow-up Visit ☐ Orthodontic

☐ Dental ☐ Vision ☐ Emergency ☐ Tests

Was it medically necessary for this student to be absent the entire day on date of appointment?

☐ Yes ☐ No Comments: _____

If no, would student have missed all day due to office location, etc? ☐ Yes ☐ No

Will student need to be absent more than one (1) day? ☐ Yes ☐ No

If yes, how long? _____

If student is to be absent five or more consecutive days, please complete a homebound application.

This student may return to school on _____

Date

Health Care Provider Name _____

Address _____

Phone: _____ Fax: _____

Signature of Health Care Provider/Physician/ARNP

Date

School Attendance Areas

ASSIGNED ZONES

All pupils shall be assigned by geographic attendance zones and will attend the school designated to serve their area of residence. Specific areas served by each attendance zone will be marked on a map in the central administration office. In cases of joint custody, the student will be assigned to the area serving the residence of the parent with whom the child primarily resides. If pursuant to court order the child's time is split exactly in half between parents, the parents may choose which of the two (2) assigned schools the child will attend. Specific areas served by each attendance zone will be marked on a map in the central administration office. The Board may revise attendance zones from time to time to attain maximum utilization of school facilities.¹

PROOF OF RESIDENCE

Upon request, parents/guardians shall submit written documentation verifying the primary residence of the child. For school purposes, a child's residence is not necessarily the residence of the child's parent(s), and if the child has assumed a permanent home with some other person standing in loco parentis to the child, then the residence of the child for school purposes is the same as that person.

IF FAMILIES MOVE

If a family moves from one attendance zone to another within the school system, the pupil may be permitted to finish the semester in the school in which s/he was last enrolled based on the following criteria:

1. The Principal gives approval;
2. Class size limits are not exceeded;
3. The student maintains a "C" grade (cumulative through the student's previous semester);
4. The student/parent provides transportation;
5. The student is not a discipline problem; and
6. There is no service provided or cost incurred by the Board.

Approval shall be granted with the understanding the student may be required to enroll at the school serving his/her attendance zone if, during the remainder of the semester, cap size limits are exceeded. The pupil must enroll the following semester in the school in the attendance zone of his/her legal residence.

REQUESTS FOR TRANSFER

Requests for transfer to another District school must be based on physical, psychological, or educational reasons. Family hardship may also be considered in changing school assignment.

School Attendance Areas

REQUESTS FOR TRANSFER (CONTINUED)

In compliance with and as set forth by federal requirements, the District shall allow students to transfer to another District school if:

1. Another school option exists;
2. The assigned school is identified for school improvement under federal guidelines (priority for transfer will be given to the lowest achieving children from low-income families);
3. The assigned school is designated by the state as being “persistently dangerous”: or
4. The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.³

REFERENCES:

¹KRS 159.070; OAG 80-394

²OAG 77-311

³P. L. 107-110 (No Child Left Behind Act of 2001)

34 CFR 200.44

Admissions and Attendance

RESIDENCE DEFINED

Pupils whose parent or guardian resides in the District and has custody of the student, or pupils who are legal residents of the school District, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools.

All other pupils shall be classified as nonresidents for school purposes.¹

HOMELESS CHILDREN AND YOUTH

The District shall provide educational and related services to homeless children and youth in a manner that does not segregate or stigmatize students on the basis of their homeless status.

The District shall provide its schools with guidelines that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. These guidelines shall emphasize the right of homeless students to:

1. Have equal access to all educational programs and services, including transportation, that non-homeless students enjoy;
2. Continue attending their school of origin for the duration of homelessness;
3. Attend regular public school with non-homeless students; and
4. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, limited English proficient).

The District shall designate an appropriate staff person to serve as liaison to homeless children and youth.

NONRESIDENTS

Nonresident pupils may be admitted to the District's schools in accordance with Board policy and upon approval of the Superintendent.²

TRANSFER OF ADA

Nonresident pupils may be admitted to the District schools upon payment of tuition and/or transfer of the pupil's average daily attendance as defined under Kentucky's public school fund.^{3&4}

NON-IMMIGRANT FOREIGN STUDENTS

Non-immigrant foreign students qualifying for F-1 immigration status or who obtain an F-1 student visa may be admitted to the District based on the following guidelines:

1. These students shall not be permitted to attend any publicly funded adult education program.
2. These students may be permitted to attend in grades nine through twelve (9-12), but not at earlier grade levels.
3. As required by law, these students shall pay a tuition fee equal to the full, unsubsidized per capita cost to the District for providing education to the student for the period of attendance.
4. The period of attendance shall not exceed twelve (12) months.

These requirements do not apply to immigrant students residing in the District or foreign students in any other immigration status, including exchange students.

MORE

(CONTINUED)

Admissions and Attendance

EXPELLED/CONVICTED STUDENTS

The parent, guardian, Principal, or other person or agency responsible for the student shall provide to the school prior to admission, a sworn statement or affirmation concerning any of the following that have occurred in or outside Kentucky:

1. If a student has been expelled from school; or
2. If a student has been adjudicated guilty/convicted of, homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs.

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.⁵

If a student is suspended or expelled for any reason, or faces charges that may lead to suspension or expulsion, but withdraws prior to a hearing from any public or private school in Kentucky or any other state and then moves into the District and seeks to enroll, the District shall review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission. Prior to a decision to deny admission, the District shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the Board.

REFERENCES:

¹[KRS 159.010](#); [OAG 78-64](#)

²[KRS 158.120](#); [OAG 80-47](#); [OAG 79-327](#); [OAG 75-602](#)

³[KRS 157.320](#)

⁴[702 KAR 007:125](#)

⁵[KRS 158.155](#); [KRS 157.330](#), [KRS 158.150](#)

[704 KAR 007:090](#); [OAG 91-171](#)

Public Law 104-208; P. L. 107-110 (No Child Left Behind Act of 2001)

8 U.S.C. Sections 1101 and 1184; 8 C.F.R. Section 214

42 U.S.C. 11421 to 11435 (Stewart B. McKinney Homeless Assistance Act)

457 U.S. 202 (1982) (Plyler v. Doe)

RELATED POLICIES:

09.11, 09.123, 09.124, 09.125, 09.211

09.126 (re requirements/exceptions for students from military families)

Adopted/Amended: 07/24/2006

Order #: 2

Attendance Requirements

COMPULSORY ATTENDANCE

All children in the district who have entered kindergarten or who are between the ages of six (6), as of October 1, and sixteen (16), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.¹

Before an unmarried student between the ages of sixteen (16) and eighteen (18) may withdraw from school and terminate education prior to graduation, s/he shall confer with the Principal or designee, and s/he shall secure written permission from her/his parents.¹ (See Board Policy 09.111.)

EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

1. A graduate from an accredited or approved 4-year high school,
2. A pupil who is enrolled in a private or parochial school,
3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten nursery school,
4. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study,
5. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children, or
6. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children.²

PHYSICIAN'S STATEMENT REQUIRED

The Board, before granting an exemption, shall require a signed statement as required by law unless a student's individual education plan (IEP) specifies that placement of the child with a disability at home or in a hospital is the least restrictive environment for providing services.²

EXCEPTIONS TO PRESENCE AT SCHOOL

Students must be physically present in school to be counted in attendance, except under the following conditions:

1. Students shall be counted in attendance when they are receiving home/hospital, institutional, or court-ordered instruction in another setting.
2. Participation of a pupil in 4 H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4 H club leader shall be considered school attendance.³
3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.⁴

(CONTINUED)

Attendance Requirements

EXCEPTIONS TO PRESENCE AT SCHOOL (CONTINUED)

4.Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.⁴

5.Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.⁴

6.Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.⁵

7.Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled school day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.⁶

REFERENCES:

¹KRS 159.010; OAG 85 55

²KRS 159.030

³KRS 159.035

⁴702 KAR 007:125

⁵KRS 158.240

⁶KRS 158.070

KRS 159.180; KRS 159.990

OAG 79 68; OAG 79 539

OAG 87 40; OAG 97-26

RELATED POLICIES:

08.131; 08.1312

09.111; 09.123; 09.36

Adopted/Amended: 06/21/2010

Order #: 205

Bullying/Hazing

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

ACTIONS NOT TOLERATED

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.¹ This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

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

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

REPORTS

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

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.

REFERENCES:

¹[KRS 158.150](#); [KRS 158.148](#); [KRS 158.156](#)

[KRS 160.290](#)

Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549

(1986)

Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

RELATED POLICIES:

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438
09.2211 (re reports required by law)

Adopted/Amended: 08/18/2008

Order #: 16

BULLYING

- (1) A person is guilty of harassment/bullying/discrimination when, with intent to intimidate, harass, annoy or alarm another person, he or she:

Strikes, shoves, kicks, or otherwise subjects him to physical contact; or
Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or
In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or
Follows a person in or about a public place or places; or
Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or
Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:
 Damages or commits a theft of the property of another student;
 Substantially disrupts the operation of the school; or
 Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

- (2) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she:

Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;

 Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or

Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.

- (3) Bullying/Harassment/Discrimination due to an individual's race, color, national origin, age, religion, marital status, political beliefs, sex or disability shall be subject to disciplinary action as directed by the Superintendent.

- (4) The Principal shall provide the following:

Investigation of allegations of bullying/harassment/discrimination to commence as soon as circumstances allow, but not longer than forty-eight (48) hours of submission of the original complaint. A written report of all findings of the investigation shall be completed within forty-eight (48) hours and reported to the Superintendent who will then inform the local Board of Education.

Report all KRS Chapter 508 offenses to local law enforcement, or Kentucky State Police, or County Attorney.

Notify parents, legal guardians, or other persons with custodial control of all students involved.

MORE

BULLYING (CONTINUED)

A process to identify and implement, within forty-eight (48) hours of the submission of the written or verbal investigative report, methods to correct and prevent reoccurrence of the bullying/harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.

Annual dissemination of written policy to all staff, parents and students through the Student Code of Conduct;

Age-appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged bullying/harassment/discrimination; and

Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation, including, but not limited to, interpreters for hearing impaired and visually impaired students and assistance in reading and filling out necessary papers.

Notification of Parents: Within twenty-four (24) hours of receiving a serious allegation of bullying/harassment/discrimination, district personnel shall notify parents of both the student victim and the student accused of bullying/harassment/discrimination.

Prohibited Conduct: Examples of conduct and/or actions prohibited under this policy include, but are not limited to:

- Name calling, stories, jokes, pictures, or objects that are offensive to one's gender, race, color, national origin, religion, or disability;
- Unwanted touching, sexual advances, requests for sexual favors, an spreading sexual rumors;
- Members of one gender being subjected to sexual remarks of the other gender in the context of the classroom;
- Impeding the progress of a student in class by questioning the student's ability to do the required classwork based on the gender, race, color, religion, national origin, or disability of the student;
- Limiting student access to educational tools, such as computers, based on the student's gender, race, color, religion, national origin, or disability; and
- Teasing a student's subject choice or assignment based on the gender, race, color, religion, national origin, or disability of the student;
- Threats of physical harm, and
- Threats or name-calling through the use of technology.

Confidentiality: District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

MORE

BULLYING (CONTINUED)

Appeal: Upon the completion of the investigation and correction of the conditions leading to the bullying/harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the bullying/harassment/discrimination complaint, a written complaint shall be submitted to a higher level of authority.

Failure by an employee, immediate supervisor, Principal, and/or Superintendent to initiate an investigation of alleged bullying/harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

Retaliation Prohibited: No one shall retaliate against an employee or student because s/he files a written or verbal grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of bullying/harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this Policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

False Complaints: False or malicious complaints of bullying/harassment/discrimination may result in disciplinary action taken against the complaint.

Contagious Diseases and Parasites

NOTIFICATION

A parent, legal guardian, or other person or agency responsible for a student shall notify the student's Principal if the student has any medical condition which is defined by the Cabinet for Health and Family Services in administrative regulation as threatening the safety of the student or others in the school. The notification shall be given as soon as the medical condition becomes known and upon each subsequent enrollment by the student in a school.¹

The Principal or designee shall notify the student's teachers in writing of the nature of the medical condition.

INFECTION CONTROL

If any student is known or suspected to have or be infected with a communicable disease or condition for which a reasonable probability for transmission exists in a school setting, the Superintendent may order the student excluded from school. The time period the student is excluded from school shall be in accordance with generally accepted medical standards which the Superintendent shall obtain from consultation with the student's physician, the local health officer¹, or the Kentucky Department for Public Health.

EPIDEMICS

In the event of a dangerous epidemic as determined by the Kentucky Department for Public Health, the Board may close the schools.¹

SCHOOL TO REPORT

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as AIDS/HIV, as set forth in Kentucky Administrative Regulation.²

MEDICAL CONFIDENTIALITY

Unless otherwise permitted by law, signed parental consent designating District personnel to be informed of a student's medical condition shall be on file prior to informing identified District personnel.

The Superintendent shall identify which employees are to have access to student medical information. This determination shall be made on a need-to-know basis.

CLEANUP PROCEDURES

The Superintendent shall develop procedures to promote adequate and proper cleanup details and measures to aid in the prevention of infection and communicability of contagious diseases.

REFERENCES:

¹[KRS 158.160](#)

²[704 KAR 004:020](#); [902 KAR 002:020](#)

Kentucky Department for Public Health; Center for Disease Control

[KRS 214.185](#)

Adopted/Amended: 07/15/2002

Order #: 4

Prevention/Control of Head Lice in Schools

School personnel shall actively pursue the prevention and control of head lice in the District's schools by developing a consistent screening and follow-up program for all schools.

Principals and school personnel shall adhere to the following guidelines:

1. The Superintendent/designee shall:
 - a) Establish education/information programs on head lice control methods for school personnel, students and parents.
 - b) Provide each school with written materials on head lice control and prevention.
2. When students are observed/reported to have head lice any time during the school year:
 - a) A student with an active case of head lice will be discreetly isolated while the parent or designee is notified to pick the child up immediately from school.
 - b) Students who sit close to a student with an active case of head lice will be checked within the school day
3. Principals or school personnel shall offer parents of infested students:
 - a) Visual evidence of live lice and/or nits in the student's hair.
 - b) Verbal and/or a pamphlet of information/direction for hair treatment and household disinfection procedures.
4. Students may return to school when they have received treatment and have had a thorough head check by designated school personnel before returning to the classroom. Treatment is considered successful when the student is lice free. Any absences related to head lice treatment will be subject to the District's Attendance Policy.
5. Students found with a second infestation of head lice shall:
 - a) Be reported to the Department of Student Services if they do not return to school lice free within three (3) days.
 - b) The Department of Student Services will then make a home visit and/or file a petition of educational neglect in court.

Review/Revised:10/20/08

DRESS AND APPEARANCE

The wearing of any item, lack of clothing or presentation of any unsanitary body conditions which, materially or significantly disrupts or distracts from the educational process or threatens the health or safety of other students or staff members is prohibited. The standards set out in this policy shall be included in the District's Code of Conduct Handbook.

This dress code is adopted in the interest of developing and maintaining a student body that is neat and clean. When violations occur, the Principal/designee will inform the student of the violation and instruct him/her how to correct the discrepancy. If the student then fails to conform, the Principal/designee will schedule a conference with the parent/guardian to review the written policy, and the disciplinary action imposed.

1. Clothing designed to fit at the waist shall be worn at normal waist level (no sagging or exposing undergarments).
2. Extremely tight, form-fitting or baggy clothing is prohibited.
3. Shorts, skorts, and skirts that are of finger tip length may be worn by primary school students (P-3).
4. For students in grades 4-12, shorts, skorts, and skirts must be a minimum of knee length.
5. Clothing, jewelry, buttons, and other forms of ornamentation (including those containing slogans, endorsements or commentary) are permissible except when they make distracting noises, express violence, are obscene or suggest obscenity, suggest racial bias, nudity, advertise alcohol, drugs, or tobacco products illegal items, or suggest promotion or identification of gangs.
6. All students shall wear shoes to school. House shoes are not permitted.
7. No hats, caps, bandannas, head coverings, or sunglasses will be worn inside the school building, unless for religious or medical purposes.
8. Heavy coats and/or long outerwear will not be worn inside the school building. Unless the Principal/designee grants an exception for a heating emergency, all heavy coats and/or long outerwear must be kept in the student's locker or stored in the designated area in each classroom.
9. Halter tops, spaghetti straps, muscle shirts, cut-off T-shirts, off-the-shoulder garments, see-through or mesh type garments, or any tops that expose cleavage or the midriff are prohibited.
10. No undergarments shall be worn as outerwear. No pajamas or articles of clothing that are torn or cut shall be worn.
11. Students in grades 6-12 will be allowed to bring backpacks/book bags to school. All such bags must be kept in the student's locker during the regular school day and may not be taken to class, unless it is a clear or mesh bag approved by the Principal/designee.
12. Body or tongue piercing, other than ears, or unnatural hair color including but not limited to blue, green, red, and orange are prohibited for all students.
13. Visible tattoos are prohibited for students in grades P-8.
14. Visible tattoos are permissible in grades 9-12 with the exception of any gang or bias related sign or symbol which reasonably appears to offend, victimize, or intimidate another based on race, color, religion, sex or national origin, and/or which disrupts or interferes with the educational setting and/or process.

STUDENTS

09.427

DRESS AND APPEARANCE

(CONTINUED)

REFERENCES:

Tinker v. Des Moines Independent School District, 393 U.S. 502 (1969)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)

KRS 160.345, OAG 73 233, OAG 73 284

RELATED POLICY:

09.434

Adopted/Amended: 06/21/2010

Order #: 203

Due Process

RIGHT TO DUE PROCESS

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

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

STUDENTS WITH DISABILITIES

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

REFERENCES:

¹[KRS 158.150](#)

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

RELATED POLICIES:

09.43
09.433
09.434

Adopted/Amended: 09/16/1991

Order #: 65

Employee Reports of Criminal Activity

To promote the safety and well-being of students, the District requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

[KRS 158.154](#)

When the Principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the Principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the Principal.

[KRS 158.155](#)

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

- 1 The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - a. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - i Carrying, possession, or use of a deadly weapon; or
 - ii Use, possession, or sale of controlled substances; or
 - b. Any felony offense under the laws of this Commonwealth; and
- 2 The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

[KRS 158.156](#)

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

MORE

(CONTINUED)

Employee Reports of Criminal Activity[KRS 620.030](#)

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

REFERENCES:

[KRS 158.154](#)[KRS 158.155](#)[KRS 158.156](#)[KRS 525.070](#), KRS 525:080[KRS 527.070](#), [KRS 527.080](#)[KRS 620.030](#)

RELATED POLICIES:

03.13251/03.23251

05.48

09.227

09.422

09.423

09.425

09.426

09.438

Adopted/Amended: 08/18/2008

Order #: 16

Expulsion

BOARD MAY EXPEL

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

Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.

The Superintendent shall present to the Board for its approval options for providing educational services to expelled students.

HEARING AND RECORDS REQUIRED

Action to expel a pupil shall not be taken until the parent of the pupil has had an opportunity for a hearing before the Board.¹ The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.³

BOARD DECISION FINAL

The Board's decision shall be final.¹

STUDENTS WITH DISABILITIES

In cases which involve students with disabilities, procedures mandated by federal and state law for students with disabilities shall be followed.⁴ (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled.)^{1&3}

TRANSFER OF RECORDS

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

REFERENCES:

¹[KRS 158.150](#)

²[KRS 158.155](#)

³Individuals with Disabilities Education Improvement Act of 2004; 707 Chapter 1

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

RELATED POLICIES:

09.12, 09.423; 09.425; 09.43; 09.431; 09.434

Adopted/Amended: 07/24/2006

Order #: 2

Grievances

The Superintendent shall develop specific grievance procedures to include, but not be limited to, the opportunity for student grievances to be addressed and resolved at each level from the point of origin, time limitations for the filing and appeal of a grievance, and procedures for the orderly review and appeal of student grievances.

If the Principal and Superintendent cannot successfully resolve grievances, the student may appeal to the Board. However, if the grievance concerns discipline of an individual student, the Board may, on a case-by-case basis, determine if it will hear the grievance based on whether the facts presented in the written grievance fall within its discretion or authority. If there is a question as to whether the grievance is within the Board's discretion or authority, the Board will consult with legal counsel.

RELATED POLICIES:

09.42811

10.2

Adopted/Amended: 08/15/2005

Order #: 15

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

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

DISCIPLINARY ACTION

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

GUIDELINES

Students who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving other students that they believe to be an act of harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/ discrimination.

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of submission of the original written complaint. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

MORE

(CONTINUED)

Harassment/Discrimination

GUIDELINES (CONTINUED)

2. A process to identify and implement, within ten (10) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved Student Code of Conduct Handbook.

4. Age-appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation, including, but not limited to, interpreters for hearing impaired and visually impaired students and assistance in reading and filling out necessary papers.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

NOTIFICATION

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

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;

MORE

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

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

DISCIPLINARY ACTION

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

GUIDELINES

Students who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving other students that they believe to be an act of harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/ discrimination.

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of submission of the original written complaint. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

MORE

(CONTINUED)

Harassment/Discrimination

GUIDELINES (CONTINUED)

2. A process to identify and implement, within ten (10) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved Student Code of Conduct Handbook.

4. Age-appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation, including, but not limited to, interpreters for hearing impaired and visually impaired students and assistance in reading and filling out necessary papers.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

NOTIFICATION

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

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;

MORE

(CONTINUED)

Harassment/Discrimination

PROHIBITED CONDUCT (CONTINUED)

2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
4. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
5. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
6. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the harassment/discrimination complaint, a written complaint shall be submitted to a higher level of authority.

Failure by an employee, immediate supervisor, Principal, and/or Superintendent to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he files a written grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

FALSE COMPLAINTS

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

MORE

(CONTINUED)

Harassment/Discrimination

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

REFERENCES:

42 USC 2000e, Civil Rights Act of 1964, Title VII
Racial Incidents and Harassment Against Students at Educational Institutions:
Investigative Guidance (U.S. Department of Education)
U. S. Supreme Court - Franklin vs. Gwinnett County
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)
Regulations Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)
Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

RELATED POLICIES:

03.162, 03.262, 09.13, 09.227, 09.422, 09.426, 09.438

Adopted/Amended: 07/24/2006

Order #: 2

Release of Students and Student Information toDivorced, Separated, or Single Parents

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

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

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

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

REFERENCES:

20 U.S.C. 1232g, 34 C.F.R. 99.1 – 99.67

[OAG 85-130](#), [OAG 90-52](#)

RELATED POLICIES:

01.0
09.14

Adopted/Amended: 08/09/1988

Order #: 34

Search and Seizure

REASONABLE SUSPICION

No pupil's outer clothing, pockets, or his or her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there are reasonable grounds to believe the search will reveal evidence that the pupil has violated or is violating either a school rule or the law.¹ Search of a pupil's person shall be conducted only with the express authority of the Principal/designee.

AUTHORIZED PERSONNEL

Searches of a pupil's person or his or her personal effects shall only be conducted by a certified person directly responsible for the conduct of the pupil or the Principal/designee of the school which the student attends. However, when an immediate threat to the health or safety of others occurs off site with no certified employee reasonably available, a non-certified person (i.e., bus driver or coach/sponsor) that is responsible for the students is authorized to conduct the search of a student or his/her personal effects. Examples of immediate threats would include reasonable suspicion of the presence of illegal drugs or a weapon.

WITNESS/PERSONAL SEARCHES

When a pat-down search of pupil's person is conducted, the person conducting the search shall be the same sex as the pupil; and a witness of the same sex as the pupil shall be present during the search. In addition, no search of a pupil shall be conducted in the presence of other students.

These restrictions shall not apply to situations involving an imminent threat to students or staff where immediate action is required to prevent harm to health and safety.

STRIP SEARCHES

No strip searches of students shall be permitted.

FAILURE TO COOPERATE

Students who fail to cooperate with school authorities when requested to shall be subject to other disciplinary action.

REGULAR INSPECTION

School property, such as lockers, desks, and network systems, technology resources and accounts owned or supplied by the District are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all such property and resources on a regular basis. During these inspections, items which are school property, such as overdue library books, may be collected. Students should not expect privacy for items and information left in such locations. A single desk, locker or a technology resource/account may be searched if reasonable grounds exist to believe that evidence of a violation of the law or a school rule is contained therein.

ILLEGAL ITEMS

Illegal items (e.g., weapons, drugs, etc.) or other possessions reasonably determined by proper school authorities to be a threat to the pupil's safety or to others' safety and security may be seized by school officials.

Search and Seizure

TRAINED DOGS

Subject to the following conditions, the Superintendent or designee may authorize the use of trained dogs to locate contraband (prohibited items) on school grounds:

1. The dogs shall be certified as never having been trained as attack dogs.
2. The Superintendent or designee shall be present.
3. Searches involving dogs shall be conducted only when students are in classrooms or other designated safe area; no student shall be in the vicinity of the site being searched.
4. All dogs shall be on a leash and will not be allowed to come in close proximity to any student.

USE OF METAL DETECTORS

School administrators are authorized to use stationary or mobile metal detectors. Metal detectors may be used in the following circumstances:

1. To search an individual student when there is reasonable suspicion to believe the specific student is concealing a weapon;
2. To search all students entering the premises; or
3. To search students on a random basis.

Students shall be notified that metal detectors may be used and the circumstances for their use.

OTHER DISRUPTIVE ITEMS

Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the pupil's possession by a staff member. Such items may be returned to the pupil by the staff member or through the Principal's office.

DISPOSITION OF ITEMS

All items which have been seized shall be turned over to the proper authorities or returned to the true owner.

REFERENCES:

KRS 161.180

¹New Jersey vs. T.L.Q., 105 S.Ct. 733 (1985)

RELATED POLICY:

09.4261

REVISED 4/14/09

CODE II

Physical Restraint

Employees are authorized by law to physically restrain students as may be necessary for the following reasons:

- to protect themselves, students or others from physical injury
- to get possession of a weapon or other dangerous object(s) or
- to protect property from serious harm

Suspension

Suspension or Expulsion of Students

All students admitted to Henderson County Schools shall comply with the regulations adopted by the Board of Education and/or the school based decision making councils. Generally speaking:

1. Willful disobedience or defiance of the authority of teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students or school personnel, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property as well as off of school property at school-sponsored activities, may constitute cause for suspension or expulsion from school; and
2. Assault or battery or abuse of school personnel; stealing or willfully or wantonly defacing destroying, or damaging the personal property of school personnel on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school.

A student shall not be suspended from school until after the due process procedures have been provided:

1. The student has been given oral or written notice of the charge or charges against him/her which constitute cause for suspension;
2. The student has been given an explanation of the evidence of charge or charges; and
3. The pupil has been given an opportunity to present his own version of the facts relating to the charge or charges.

The Superintendent, Principal, Assistant Principal, Head Teacher, or designee, or any school will report the action in writing to the Superintendent and to the student's parent, guardian or other person having legal custody or control over the student.

The Board of Education may expel a student for misconduct in violation of school policy and the Student Code of Conduct. However, the action of the Board of Education in expelling a student shall not be taken until the parent, guardian or other person having legal custody or control of the student has had an opportunity to have a hearing before the Board of Education. The decision of the Board of Education shall be final.

Any student under suspension will not be on the school grounds without an appointment with the principal.

A student who is suspended will receive a zero for class work and examinations missed during the suspension and will not be allowed to make-up that class work or examination unless the class work and/or examination missed is a major test (meaning a test counting 1/5 or more of the student's nine week grade), a nine week exam, a semester exam, or term paper. Make up work shall be completed within the time limits specified in the Absences and Excuses section in the Code of Conduct.

Suspension

WHO MAY SUSPEND

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

The Superintendent may extend the suspension by five (5) days or may suspend a pupil up to a maximum of ten (10) days per incident.

LENGTH OF SUSPENSION

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

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

PRIOR DUE PROCESS REQUIRED

A pupil shall not be suspended until due process procedures have been provided as described in [KRS 158.150](#) (09.431)¹, unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process. If the Superintendent lengthens the period of suspension imposed by the Principal, additional due process shall be provided.

IMMINENT DANGER

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

WRITTEN REPORT REQUIRED

The Principal or assistant Principal shall report any suspension in writing¹ immediately to the Superintendent and to the parent of the pupil being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement. One such condition shall be that one or both parents/guardians shall confer with school officials prior to the termination of the student's suspension.

STUDENTS WITH DISABILITIES

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

REFERENCES:

¹[KRS 158.150](#)

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

[OAG 77-419](#); [OAG 77-427](#); [OAG 77-547](#)

[OAG 78-392](#); [OAG 78-673](#)

Goss v. Lopez, 419 US 565 (1975)

RELATED POLICIES:

09.43, 09.431

Adopted/Amended: 08/17/1998

Order #: 18

TELECOMMUNICATION DEVICES

TELECOMMUNICATIONS DEVICES DEFINED

Telecommunications devices are defined to include, but are not limited to, paging and portable music devices, cellular phones, cameras, and other similar electronic devices used to deliver communications.

POSSESSION AND USE

1. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that:
 - a. Poses a threat to academic integrity, such as cheating,
 - b. Violates confidentiality or privacy rights of another individual,
 - c. Is profane, indecent, or obscene,
 - d. Constitutes or promotes illegal activity or activity in violation of school rules, or
 - e. Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.

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

Students are responsible for keeping up with devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property.

Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.

Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the District's Acceptable Use policy or procedures or its Code of Acceptable Behavior and Discipline.

ELEMENTARY AND MIDDLE SCHOOL

A student in the Henderson County Schools, grades P-8, shall not use/display a telecommunications device while on school property during the regular school day.

HIGH SCHOOL

A student in grades 9-12 may use telecommunication devices during non-instructional times as defined by school policy.

Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned on and operated only before and after the regular school day and during the student's lunch break.

When students violate prohibitions of this policy, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to their parent/guardian. A violation also may result in a report being made to law enforcement. In addition, an administrator may confiscate the device, which shall only be returned to the student's parent/guardian.

CONSEQUENCES

First Offense: In-house or out-of-school suspension and the parent may pick up the telecommunication device the next school day.

Second Offense: In-house or out-of-school suspension and the parent may pick up the telecommunication device the next school day.

Subsequent Offense: Severe disciplinary action, including, but not limited to, out-of-school suspension, short term placement or long term placement at Central Learning Center (CLC) and the parent may pick up the telecommunication device the next school day.

Note: Telecommunication devices confiscated on a Friday may be picked up on Monday by a parent or guardian.

Telecommunication Devices

Parents or guardians will need to contact the Principal to make arrangements if the telecommunication device is confiscated before holidays or breaks.

NOTICE OF POLICY

Notice of this policy and penalties for violating it shall be published annually in the District's Code of Conduct handbook.

REFERENCE:

1KRS 158.165

RELATED POLICIES:

08.2323

09.426

09.436

09.438

Adopted/Amended: 06/21/2010

Order #: 202

CODE IV

Students Shall Not Possess a Laser Pointer

A student in a public school shall not possess a laser pointer while on school property or while attending a school sponsored or school related activity on or off school property.

A person who discovers a student in possession of a laser pointer in violation of this section shall immediately confiscate the item and deliver it to the appropriate school administrator who shall see that the item is forfeited to the school system.

Tobacco

Students shall not be permitted to use or possess any tobacco product on property owned or operated by the Board, inside Board-owned vehicles, on the way to and from school, or during school-sponsored trips and activities. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the local Student Code of Conduct Handbook.

REFERENCES:

[KRS 438.350](#)[KRS 438.050](#)[OAG 81-295](#)[KRS 160.290](#)[KRS 160.340](#)[KRS 161.180](#)[OAG 91-137](#)

P. L. 107-110 (No Child Left Behind Act of 2001)

Adopted/Amended: 08/21/2000

Order #: 23

Substance Abuse

Substance Abuse

When a student possesses or has consumed an alcoholic beverage, controlled dangerous substance, counterfeit controlled dangerous substances, look alike, non controlled substance, or other intoxicant the Principal/Assistant Principal/Head Teacher or designee shall:

1. Notify the student's parent/guardian as soon as practicable by some means reasonably designed to accomplish such notification.
2. Report the alleged violation or conduct to the appropriate law enforcement officials.
3. Confer with the student/parties involved as soon as practicable.
4. Suspend the student for five (5) school days and/or short term alternative placement and refer the student to the Superintendent with the recommendation that the student be presented to the Board for expulsion.
5. Request the student undergo, at the sole expense of the parent/guardian/custodian, an evaluation of the student's alcohol/drug use by a qualified chemical dependency counselor acceptable to the Henderson County School District.

The student's reentry into the school environment shall be through placement at Central Learning Center program until the student's individual objectives have been met as determined by the Principal/Assistant Principal/Head Teacher.

As an alternative to the referral of a student to the Superintendent with a recommendation for expulsion, the Principal/Assistant Principal/Head Teacher or designee may elect not to recommend the student for expulsion if the student and the student's parent(s)/guardian(s)/custodian(s) agree as follows:

1. That the student will undergo, at the sole expense of the parent/guardian/custodian, a urine test within twenty-four (24) hours of the policy violation in question; and
2. That the student undergo, at the sole expense of the parent/guardian/custodian, an evaluation within fourteen (14) days of the policy violation of the student's alcohol/drug use by a qualified chemical dependency counselor acceptable to the Henderson County School district; and
3. That the student successfully completes all treatment and/or counseling recommended by the evaluation and such successful completion is reported to the appropriate school personnel by the person or organization performing the treatment and/or evaluation.
4. The student and parent sign and comply with the Diversion Program Contract.

Failure to comply with the Diversion Program will result in CLC placement and/or recommendation for expulsion.

If, following the evaluation, the qualified chemical dependency counselor reports that treatment and/or further counseling of the student is unnecessary, the Principal/Assistant Principal/Head Teacher or designee may, nonetheless, refer the student to the drug/alcohol education program. In such event, the student and the student's parent/guardian/custodian must agree to meet with an assigned school counselor, or other designated person as required by the appropriate personnel, and the student must successfully complete all counseling, and/or alcohol/drug educational programs required of the student by such school personnel.

If the student fails or refuses to submit to the urine test; fails or refuses to complete the evaluation and treatment by the chemical dependency counsel; fails or refuses to complete the counseling program measures undertaken for and on behalf of the student, the Principal/Assistant Principal/Head Teacher or designee shall, at such time, refer the student to the Superintendent with the recommendation that the student be expelled by the Board of Education.

MORE

Substance Abuse

(CONTINUED)

The alternative measures of counseling and treatment mentioned above shall not be available to the Principal/Assistant Principal/Head Teacher if:

1. The alcohol/drug violation is coupled with an offense which is unrelated to the alcohol/drug offense and for which the student is subject to expulsion.
2. The student has been found guilty of a prior suspendible offense relating to alcohol/drug within one (1) calendar year immediately preceding the date of the alcohol/drug offense in question.
3. It reasonably appears that the student is guilty of trafficking in drugs, controlled substances, and/or marijuana. "Traffic" or "trafficking" means to distribute, dispense, sell, transfer or possess with the intent to distribute, dispense, sell or transfer a drug, controlled substance, and/or marijuana; or the amount of drugs, controlled substances, and/or marijuana possessed by such student amounts to 1/2 ounce or more marijuana, or 1 gram or more cocaine or meth, or multiple quantities of pills; or an amount less than those previously stated, in which the student was also in possession of paraphernalia, such as, but not limited to, baggies, corner cuts, scales, twist ties.

Use of Alcohol, Drugs and Other Prohibited Substances

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

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

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

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

DEFINITIONS

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

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

Prohibited substances include:

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

AUTHORIZED MEDICATION

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy. Please refer to Policy 09.2241 for information on prescribed medication for students.

PENALTY

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

MORE

(CONTINUED)

Use of Alcohol, Drugs and Other Prohibited Substances

REPORTING

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event. In addition, when they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a controlled substance on school property in violation of the law.

PREVENTION PROGRAM

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

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

REFERENCES:

OAG 82-633; OAG 93-32

KRS 158.150; KRS 158.154; KRS 158.155

KRS 160.290; KRS 161.180; KRS 217.900; KRS 218A.020

Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d 586 (1981).

Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls, ___ U.S. ___, 242 F.3d 1264 (2002).

Improving America's Schools Act of 1994 (IASA), Title IV: Safe and Drug-Free Schools and Communities

RELATED POLICY:

09.2241

REVISED 5/01/09

WEAPONS

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

WEAPONS PROHIBITED

Except where expressly and specifically permitted by Kentucky Revised Statute, the carrying, bringing, using, or possessing any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle or at any school-sponsored activity is prohibited.³

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

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

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

Exceptions:

- An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in KRS 527.070.
- Law enforcement officials are authorized to bring weapons onto school property in performance of their duties.

FEDERAL REQUIREMENTS REGARDING STUDENTS

The penalty for students possessing a firearm at school or bringing a firearm or other deadly weapon, destructive device, or booby trap device¹ to school or onto the school campus/property under jurisdiction of the District shall be expulsion for a minimum of twelve (12) months under Policy 09.435. However, the Board may modify such expulsions on a case-by-case basis. Any case-by-case modification of the one (1)-year expulsion requirement, including those made for students with disabilities to meet the requirements of IDEA and Section 504, shall be in writing and may be based upon a recommendation of the Superintendent/designee.

Any student who possesses a firearm at school or brings to school a firearm or other deadly weapon, destructive device, or booby trap device shall be referred to the criminal justice or juvenile delinquency system.²

Although students are subject to disciplinary action for violating any restriction in this policy, the twelve (12) month expulsion penalty mandated by the Federal Gun-Free Schools Act does not apply to a firearm lawfully stored in a locked vehicle on school property.

STATE POSTING REQUIREMENTS

The Superintendent shall post the following notice in prominent locations in the schools, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias. The notice shall be at least six (6) inches high and fourteen (14) inches wide and shall state:

WEAPONS

STATE POSTING REQUIREMENTS (CONTINUED)

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.²

The above criminal penalty shall not apply to those persons listed in KRS 527.070 (3).

STATE REPORTING REQUIREMENTS

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

For state reporting purposes, a deadly weapon shall be defined as:

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

Employees who receive information from a student or other person regarding conduct required to be reported shall report the conduct in the same manner as stated above.

ENFORCEMENT

In the enforcement of this policy, principals may authorize, if they have reasonable suspicion, searches in compliance with applicable Board policies.

REFERENCES:

¹KRS 527.020; 20 U.S.C. §7141 (Gun Free Schools Act); 18 U.S.C. §921(a)

²KRS 527.070, KRS 500.080

³KRS 237.106

KRS 158.150, KRS 158.154

KRS 158.155, KRS 160.290, KRS 160.340, KRS 161.790

KRS 237.110, KRS 508.075, KRS 508.078

Individuals with Disabilities Education Improvement Act (IDEA)

Section 504 of the Rehabilitation Act of 1973, as amended

RELATED POLICIES:

09.435; 09.436; 09.4361

Adopted/Amended: 06/21/2010

Order #: 204

BEHAVIOR CHART FOR VIOLATIONS OF STUDENTS MISCONDUCT

Possible Behavior Violations	Conference with Student	Parent/ Guardian Conference	In-School Discipline Measures	Saturday School	Short Term Suspension 1-3 Days	Suspension 4-10 Days	Referral for Alternative Program	Expulsion Procedures Initiated	Notify Law Enforcement Agency	Court Referral
Alcohol and Drug Policy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓ plus drug and alcohol program
Arson	✓	✓			✓	✓	✓	✓	✓	✓
Assault/Abuse (Student or Adult)	✓	✓			✓	✓	✓	✓	✓	✓
Bomb threats-Falsely Activating Fire Alarms	✓	✓			✓	✓	✓	✓	✓	✓
Bullying/Intimidation (Harassment)	✓	✓			✓	✓	✓	✓	✓	✓
Destruction of Property	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Disruption of School	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Extortion	✓	✓			✓	✓	✓	✓	✓	✓
Fighting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Forgery	✓	✓	✓	✓						
Gambling	✓	✓	✓	✓	✓	✓	✓		✓	✓
Gang related apparel, signs, symbols	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Improper Dress	✓	✓	✓	✓	✓					
Disrespect/Defiance with staff/student	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Leaving school grounds without permission	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Profanity/Vulgarity	✓	✓	✓	✓	✓	✓	✓		✓	✓
Public Display of Affection	✓	✓	✓	✓	✓					
Repetition of school violations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Riots, Acts of Violence	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Robbery/Theft	✓	✓			✓	✓	✓	✓	✓	✓
Tobacco	✓	✓	✓	✓	✓		✓			
Unacceptable use of computer/cell phone	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Unexcused tardiness	✓	✓	✓	✓	✓		✓	✓	✓	✓
Vandalism	✓	✓	✓	✓	✓		✓	✓	✓	✓
Violating conditions of long-term suspensions	✓	✓			✓	✓	✓	✓	✓	✓
Violating conditions of short-term suspension	✓	✓			✓	✓	✓	✓	✓	✓
Violating conditions of inschool consequences	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Weapons	✓	✓				✓	✓	✓	✓	✓
This chart has been developed to indicate possible consequences for each specific offense.										

The Henderson County Schools prohibit corporal punishment.

Driver's License Revocation

Students who are sixteen (16) or seventeen (17) years old who become academically deficient or deficient in attendance shall be reported to the Transportation Cabinet for driver's license, permit or driving privilege revocation.¹

ACADEMIC AND ATTENDANCE DEFICIENCIES

Academic and attendance deficiencies for students age sixteen (16) or seventeen (17) enrolled in regular, alternative, part-time, and special education programs shall be defined as follows:

1. They shall be deemed academically deficient if they have not received passing grades in at least four (4) courses, or the equivalent of four (4) courses, taken in the preceding semester.
2. They shall be deemed deficient in attendance when they drop out of school or accumulate nine (9) cumulative unexcused absences for the preceding semester. Missed time due to unexcused tardies will factor into accumulated absences. Suspensions shall be considered unexcused absences.

REINSTATEMENT OF DRIVING PRIVILEGE

Students whose driving permits are revoked, but later meet the statutory standards for reinstatement, must then apply to the Director of Pupil Personnel to have their standing confirmed. The District shall make the required report to the appropriate agency.

REFERENCES:

[KRS 159.051](#), [KRS 186.470](#)

[704 KAR 007:050](#)

[Student Discipline Guidelines](#)

[OAG 77-419](#)

RELATED POLICIES:

08.221

09.123

Adopted/Amended: 10/22/2007

Order #: 54

Discipline Procedures for Students with Disabilities

Appropriate behavior management should be considered during the Admissions and Release Committee (ARC) meeting held on behalf of any student with disabilities and for any student who has been referred for evaluation or a suspected disability. The Individual Education Plan (IEP) should reflect whether the student is able to abide by the regular Student Discipline Code or if the student needs an individual behavior intervention plan.

An individual behavioral intervention plan is a specific written plan that includes: 1) A functional assessment of the student's behavior; 2) Interventions, positive behavior supports, and consequences; and 3) Parent participation. Should the plan prove unsuccessful, as evidenced by data of the student's behaviors, the issue should be brought to the ARC for consideration of changes that might result in more appropriate behavior.

Schools are encouraged to maintain communication with parents any time a special education student is exhibiting behavior problems in order to bring about improvement as soon as possible.

SUSPENSION AND EXPULSION FOR STUDENTS WITH DISABILITIES

The following procedures must be followed if an out-of-school suspension is considered for a student with disabilities in order to protect persons or property, avoid disruption of the educational process, or to remove a student who is creating a danger to self or others:

The student must be granted the same due process rights as any other student, as outlined in KRS 158.150.

If the suspension/removal is considered a change of educational placement, the ARC shall meet to review the placement or change in placement and determine whether regular suspension or expulsion procedures apply. Removals are considered a change in placement if the student is removed for more than ten (10) days, or if the student is subjected to a series of removals that constitute a pattern because the removals accumulate to more than ten (10) days in a school year and because of other factors, such as length of each removal, the total amount of time the child is removed, and the proximity of removals to one another.

Educational services shall not be terminated during a period of expulsion and during a suspension after a student is suspended for more than a total of ten (10) days during a school year.

Alternatives to out-of-school suspension for disabled students should be considered. Such alternatives may include in-school suspension, detention, Saturday school, acts of restitution, and other such options.

The ARC conducts a manifestation determination review if a considered disciplinary action results in a change in placement for a student with a disability. The manifestation determination looks at the relationship between the student's disability and the behavior subject to the disciplinary action. If the ARC determines that the behavior of the student is a manifestation of the disability, the student shall not be subject to further suspension or expulsion. The behavior of concern should be addressed through a behavior plan and the IEP goals and placement. If the ARC determines that the student's behavior was not a manifestation of the disability, and the student's IEP and placement were appropriate, then disciplinary procedures that apply to students without disabilities may be applied.

The ARC may order a change in placement to an interim alternative educational setting for up to forty-five (45) days for serious offenses, such as the possession, sale or use of drugs or for possession of a weapon on school grounds or at a school function. The ARC decides the nature of the interim alternative placement.

Regulations do not prohibit the reporting to law enforcement any behaviors that violate the law, regardless of disability. If the parent and the other members of the ARC cannot agree upon a placement and the current placement is substantially likely to result in injury to the student or others, the Director of Special Education may seek injunctive relief through the courts or request an expedited due process hearing.

CODE VII

Procedure for Scheduling an ARC Meeting in a Crisis Situation

The following guidelines have been established for scheduling and Admissions and Release Committee (ARC) in the event of a crisis situation involving a student with a disability.

A crisis situation is a situation in which:

A student is exhibiting verbal aggression (threatening someone or using excessive or uncontrollable bad language that is disruptive to the learning process, and the student has exhausted school intervention or time-out limits), or

A student is physically aggressive (hitting authority figures, throwing dangerous objects, or otherwise endangering self or others), or

A student is involved in drug or weapon violations.

When a crisis situation occurs, the ARC Chairperson or designee calls the parents and requires the parent to pick up the student immediately.

If the administrative action proposed would result in a change in placement (see previous section), then an ARC is required. In such situation, the ARC Chairperson schedules an ARC meeting at the earliest possible time as determined by the school and the parent (within 24 hours is recommended). The notice of ARC conference is documented on the DC/EC 03 Notice of ARC Meeting Form and hand delivered to the parent or confirmed via telephone conference with the parent (obtain parent signature at the beginning of the ARC meeting).

Should the subsequent ARC not result in an agreement between the parent and the school staff regarding the student's return to school in a safe and orderly manner, and if the student's behavior threatens harm to self or others, the Director of Special Education may seek a Temporary Restraining Order through the court or request an expedited due process hearing through the Kentucky Department of Education.

NOTE – See Parent's Procedural Safeguards Notice under Part B of IDEA for additional information.

SCHOOL BUS SAFETY PROCEDURES

STUDENTS

09.226

Conduct on School Bus

PUPILS' RESPONSIBILITIES

Pupils shall conform to transportation rules and regulations prescribed under state statutes¹ and under state and local regulations.

INSTRUCTION IN BUS CONDUCT AND SAFETY

Instruction in bus conduct and safety shall be provided all transported students. Instruction shall include the following rules:

PUPILS TO WAIT AT ASSIGNED STOP

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

CROSSING ON DRIVER'S SIGNAL

Pupils shall not cross the roadway when entering the school bus until signaled to do so by the bus driver.

CROSSING IN DRIVER'S VISION

When students are required to cross the roadway when entering or leaving the school bus, crossings shall be made in front of the bus. Pupils shall cross approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.

SEATING

When pupils enter the bus, they shall proceed directly to a seat.

SEATED UNTIL COMPLETE STOP

Pupils shall remain seated until the bus has come to a complete stop.

BODY NOT TO PROTRUDE FROM WINDOW

Pupils shall not extend their arms, legs, or heads out the bus windows.

CHANGING SEATS

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

PUPIL NOISE

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

REFERENCES:

¹[KRS 156.160](#), [KRS 156.070](#), [KRS 189.540](#), [KRS 160.340](#), [KRS 160.290](#)

RELATED POLICY:

06.34 (bus disciplinary policy)

Adopted/Amended: 08/09/1988

Order #: 34

Regulations for Pupils Riding School Buses

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

Pre-school and Kindergarten students must be met at the bus stop by an adult when let off. Pre-school children will only be allowed off the bus to persons with the child's identification number. If an adult is not present the child will be returned to the school and parent/guardian will be expected to pick child up from the school. Children not met at the bus or picked up on time at school three times in a semester may be reported to Social Services and/or appropriate law enforcement agencies for neglect.

- Pupils shall ride their assigned bus and no other bus unless they have a signed parent note and principal permission.
- Be on time to the bus stop. The bus cannot wait beyond its regular schedule for those who are tardy.
- Always cross in front of the bus at a safe distance in order to be seen by the bus driver (minimum 10-12 feet). Cross only on driver's signal.
- Do not run toward or across the street in front of a school bus while it is in motion.
- Never stand in the road while waiting for the bus. Wait in an orderly manner off highway or street.
- Pupils shall board the bus and immediately take a seat without disturbing other passengers. Pupils should sit three in a seat and should not exchange seats unless given permission by the driver. If all seats are taken, they should stand to the rear of the bus and not in the doorway.
- Pupils shall not try to get on or off the bus or move about within the bus while it is in motion.
- Pupils shall not engage in any activity which might damage or cause excessive wear to the bus or other property. Report promptly to the driver any damage done to the bus.
- No persons other than those assigned to the bus shall be allowed to ride a school bus.
- The following activities are prohibited at all times:
 1. extending any part of the body out of the bus windows or doors
 2. loud talking or laughing
 3. unnecessary confusion
 4. unnecessary conversation with the driver
 5. improper behavior including; insolence, disobedience, vulgarity, foul language, fighting, pushing, shoving, and similar offensive acts
 6. smoking on the bus
 7. eating or drinking on the bus
 8. possessing knives or sharp objects
 9. blankets or pillows
 10. throwing articles or objects in or from the bus
 11. tampering with mechanical equipment, accessories or controls of the bus
 12. placing musical instruments or other articles at the door by the driver
 13. obstructing the aisle in any manner
 14. possessing inflated balloons and /or floral arrangements in glass containers
 15. occupying more space in a seat than required
 16. littering the bus
 17. opening or closing windows without permission of driver
 18. possessing operable or ceremonial fireworks, firearms or weapons
 19. live animals, fowls, reptiles, or any preserved specimen

more

continued

Regulations for Pupils Riding School Buses

- 20. articles made of glass, such as bottles, jars, etc.
- 21. striking matches or using lighters
- 22. spraying others with water or other liquids
- 23. use of radios, CD players, DVD players, MP3 players, Ipods, cell phones, etc.
- 24. improper dress or not meeting the school dress code
- Students are allowed to bring band instruments under the following conditions:
 - 1. The student must sit in the front seating area of the bus.
 - 2. The student must sit next to an outside window on the bus.
 - 3. The student must be able to hold the band instrument in his/her lap or place the instrument on the floor between himself/herself and the outside wall of the bus.
- The following may NOT be transported on a regular bus route: tuba, baritone, cello, french horn, string bass, drums, guitar, flags, color guard rifles
- All students are subject to disciplinary action similar to that of like offenses committed on the school grounds. The administrator, however, has the option to suspend students off the bus in accordance with the following regulations:
Smoking, possession, or use of tobacco, fighting with intent to harm, vandalism (damaging bus, such as cutting seats, breaking windows, etc, disrespect /defiance towards driver:

First offense:	Riding privileges may be suspended for up to one week and/or suspension from school.
Second offense:	Suspension from the bus for up to two weeks and/or suspension from school.
Third offense:	Suspension from the bus for up to the remainder of the semester and/or suspension from school.

In addition to the above consequences, the school may require restitution for damages. Restitution must be made no later than the last day of the period of suspension or suspension will continue until payment has been made. Principal will notify the driver when the student is to be allowed back on the bus.
- Other bus violation consequences may range from written bus rules to riding privileges suspended for up to one week.
- Subsequent violations can result in a more severe consequence and/or riding privileges suspended for remainder of year.

Any conduct not listed will be left to the discretion of the principal or appropriate authority.

NOTE: Parents will be notified of each offense by the principal.

NOTE: When a student has had bus privileges revoked, he/she is barred from riding any Henderson County School bus until the privilege has been reinstated.

Misconduct on the bus is subject to the same disciplinary measures as misconduct at school. When necessary, the principal, or the Director of Transportation may cancel riding privileges, and student may return only when evidence is shown by the student that his/her behavior will improve.

When an incident is reported in writing or in person to the principal of the school which the pupil attends, appropriate disciplinary action shall be taken by the principal after the complaint has been investigated and substantiated. In cases of repeated failure to cooperate or serious misbehavior, the pupil shall be excluded from riding any school bus for whatever period of time deemed necessary by the principal.

In accordance with state law, any student endangering the lives of others will immediately be removed from the bus by the driver.

Assault and Threats of Violence

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

PUPILS

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

SCHOOL PERSONNEL

Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action¹ up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

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

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

Removal of students from a bus shall be made in compliance with [702 KAR 005:080](#).

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

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

REPORT TO LAW ENFORCEMENT AGENCY

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

NOTIFICATION

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

(CONTINUED)

Assault and Threats of Violence

REFERENCES:

[1KRS 158.150](#)[KRS 156.026](#); [KRS 158.154](#); [KRS 160.290](#)[KRS 161.155](#); [KRS 161.190](#); [KRS 161.195](#)[KRS 508.025](#); [KRS 508.075](#); [KRS 508.078](#); [702 KAR 005:080](#)

RELATED POLICIES:

03.123, 03.223, 06.34

Adopted/Amended: 11/19/2007

Order #: 76

CODE IX

Physical or Verbal Assault or Abuse

Physical or verbal assault or abuse of a pupil, school personnel, non school employee shall not occur:

1. On the school grounds during and immediately before or immediately after school hours.
2. On the school grounds at any other time when the school is being used by a school group.
3. Off the school grounds at a school activity, function or event.

Neither self defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act under this rule.

Disrupting the Educational Process

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

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

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.42811, which address harassment/discrimination allegations.

REFERENCES:

[KRS 158.150](#); [KRS 158.165](#); [KRS 160.290](#)

RELATED POLICIES:

09.13; 09.422; 09.42811; 09.438

Adopted/Amended: 08/20/2001

Order #: 32

A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive, resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process or function of the school.

A student shall not engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful mission, process or function of the school if such a disruption or obstruction is reasonably certain to result.

A student shall not urge other students to engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful mission, process or function of the school if a substantial and material disruption or obstruction is reasonably certain to result from his urging.

While the following list is not intended to be exclusive, the following acts, when done for the purpose of causing a substantial and material disruption or obstruction of any lawful mission, process or function of the school, illustrate the kinds of offenses encompassed in this section:

Occupying any school building, school grounds, or part thereof with intent to deprive other of its use.

- Blocking the entrance or exit of any school building or corridor or room therein with intent to deprive other of lawful access to or from or use of the building, the building corridor, or room.
- Setting fire to or substantially damaging any school building or property.
- Firing, displaying or threatening use of firearms, explosives or other weapons on the school premises for any unlawful purpose.
- Prevention of or attempting to prevent by physical act the convening or continued functioning of any school, class or activity or of any lawful meeting, or assembly on the school campus.
- Preventing students from attending a class or school activity.
- Except under the direct instruction of the principal, blocking normal pedestrian or vehicular traffic on a school campus.
- Continuously and intentionally making noise or acting in any manner so as to interfere continuously with the teacher's ability to conduct his/her class.
- Appearing in the nude or partially nude, either on the school grounds, in any attendance center, or at any school sponsored activity is not permitted.
- Activating false alarms.
- Cigarette lighters and matches are prohibited.
- Loitering or gathering in halls/thoroughfares which prohibits students from passing from class to class.
- Insubordination or any other act that intentionally disrupts the educational process.

RELATED SCHOOL VIOLATIONS

A student shall not repeatedly fail to comply with directions of teacher, student teachers, substitute teachers, teacher aides, principals, or other authorized school personnel during any period of time when she/he is properly under the authority of school personnel.

CODE XI

Gang Related/Bias Related Apparel, Signs, Symbols

No student shall wear or display any gang/bias related apparel, sign, or symbol which reasonably appears to offend, victimize, or intimidate another based on race, color, religion, sex or national origin and/or which disrupts or interferes with the educational setting and/or process. Participation in any gang activity will not be tolerated on school grounds or at any school activity, nor will students be allowed to wear/display gang signs, symbols and/or clothing.

CODE XII

Riots and Acts of Violence

No student or students shall incite a riot or organize, promote, encourage, participate in or carry on a riot or commit any act of violence in furtherance of a riot.

The term "riot" means a public disturbance on school grounds, on school busses, or any other means of conveyance to and from school sponsored events, or any other place during school sponsored events involving (a) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which interrupt the educational setting, process, and/or school sponsored event or shall result in damage or injury to the property of any other person or to the person of any other individuals; or (b) a threat or threats of a commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute an interruption to the education process and/or setting, and/or school sponsored event or would result in damage or injury to the property of any other person or to the person of any other individual.

The term "to incite to riot", or the term "organize, promote, encourage, participate in, or carry on a riot", includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (a) advocacy of ideas, or (b) expression of belief, not involving advocacy of any acts of violence or assertion of the rightness of, or the right to commit any such act or acts.

Nothing contained in this section shall be construed to make unlawful for any person to pursue any legitimate objective of free speech or expression or free assembly through orderly and lawful means.

CODE XIII

Theft, Damage, or Destruction of School Property

A student shall not intentionally cause or attempt to cause substantial damage to school property or steal or attempt to steal school property. Repeated damage or theft involving school property of small value shall also be cause for suspension or expulsion from school.

CODE XIV

Theft, Damage, or Destruction of Private Property

A student shall not intentionally cause or attempt to cause substantial damage to valuable private property either on the school grounds or during a school activity, function or event off school grounds. Damage or theft involving private property of small value shall also be a basis for long-term suspension or expulsion from school.

Police Officers in the Schools

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

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

CRIMES OFF SCHOOL PROPERTY

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

1. Parents/guardians shall be notified by school officials as soon as possible.
2. If the parent/guardian is present or consents to permit the officer(s) to interview the student, a private place for the interview shall be provided.
3. If the parent(s) cannot come to the school and do not consent to the interview, the police should be advised to either bring a warrant, court order, or juvenile petition or arrange to interview the student off the school grounds.
4. Parental notification/permission shall not be required if the student is an alleged victim of abuse by the parents.²

CRIMES ON SCHOOL PROPERTY

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

Law enforcement officials may be summoned by the Principal to conduct an investigation of alleged criminal conduct on the school premises or during a school-supported activity, to maintain the educational environment, and to maintain or restore order and prevent injury of persons or property.

During investigation procedures of students by police, the Principal or the Principal's designee shall be present.

REFERENCES:

¹[OAG 76-129](#)

²[OAG 85-134](#), [OAG 92-138](#)

Adopted/Amended: 08/17/1998

Order #: 18

FAMILY EDUCATION RIGHTS AND PRIVACY ACT DEFINITIONS

Although this listing is not intended to take the place of the complete FERPA law and regulations, the following definitions shall apply when implementing Policy 09.14 and the procedures that follow.

EDUCATION RECORDS - Refers to records directly related to a student that are maintained by the District or by a party acting for the District.

A “record” shall include any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche. Student records shall include disciplinary records with regards to suspension and expulsion.

Staff should refer to federal regulations for examples of documents that are not considered education records.

PERSONALLY IDENTIFIABLE INFORMATION - Includes, but is not limited to, the following:

1. Student's name;
2. Name of the student's parent or other family member;
3. Address of the student or student's family;
4. Any personal identifier, such as the student's social security or student number; or
5. Other information that would make the student's identity easily traceable.

NOTE: Unless the parent/guardian or eligible student requests in writing that the District not release information, the student's name, address, and telephone number (if listed) shall be released to Armed Forces recruiters upon their request.

STUDENT - Except as otherwise specifically designated by law, “student” shall mean any individual who is or has been in attendance in the District and for whom the District maintains education records.

DISCLOSURE - Refers to permitting access to, or release or transfer of, personally identifiable information contained in a student's education record to any party, by any means, including oral, written, or electronic.

REFERENCES:

34 CFR Part 99
20 U.S.C. 1232g
P. L. 107-110 (No Child Left Behind Act of 2001)

Review/Revised:7/19/2004

NOTIFICATION OF FERPA RIGHTS

Distribute this notice annually to parents and students.

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

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

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

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

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

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

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

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

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

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

MORE

(CONTINUED)

Notification of FERPA Rights

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

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

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

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-8520

Review/Revised:7/21/03

NOTIFICATION OF PPRA RIGHTS

Distribute this notice annually to parents and students.

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

- ◆ Consent before minor students are required to submit to a survey, analysis, or evaluation that concerns one (1) or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education:
 1. Political affiliations or beliefs of the student or student's parent;
 2. Mental or psychological problems of the student or student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships such as with lawyers, physicians, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or the student's parents; or
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
- ◆ Receive notice and an opportunity to opt a student out of:
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student (except for any physical exam or screening permitted or required under state law); and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. NOTE: If the parent/eligible student has indicated no directory information is to be provided to third parties or if the marketing activity involves provision of social security numbers, consent form 09.14 AP.122 should be used.
- ◆ Inspect, upon request and before administration or use:
 1. Protected information surveys to be used with students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

MORE

Notification of PPRA Rights

The District shall annually provide parents and eligible students notice of these rights under law in the Student Handbook, the District Student Code of Conduct Handbook, or other avenue designated by the Superintendent/designee.

The District shall also notify parents and eligible students at least annually at the start of each school year of the specific or approximate dates of the activities listed above. A new or supplemental notice shall be given as necessary to provide the opportunity to consent or opt out under the standards set forth above. Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., SW
Washington, D. C. 20202-8520

Review/Revised:10/22/07

ACCESS TO ELECTRONIC MEDIA

The District offers access to and use of technology, the Internet and email as part of the instructional process.

Students must sign a Student Acceptable Use Policy agreement before direct access to technology, the Internet or teacher directed electronic mail (email) would be provided. Written parental consent shall be required before any student is given direct, hands-on access to technology, the Internet or to teacher-directed electronic mail. However, educators may use the Internet during class-directed group demonstrations with or without parental consent. Students will be held accountable for violations of the Student Acceptable Use Policy agreement and understand that disciplinary action may be taken.

LOCAL TECHNOLOGY RESOURCES

- The use of your account must be in support of education and research consistent with the District's educational objectives.
- Any use of the computer network must conform to state and federal law, network provider policies and licenses, and District policy.
- Use of the computer network for charitable purposes must be approved in advance by the Superintendent/designee.
- The computers and computer network constitutes public facilities and may not be used to support or oppose political candidates or ballot measures.
- You may not give your password to anyone.
- You may not transmit, access, or store obscene, abusive threatening, or sexually explicit language.
- You may not create or share computer viruses, worms, or other malicious code.
- You may not destroy another person's data.
- You may not damage or destroy any technology or related devices, such as computer systems, computer networks, or school/teacher/District websites.
- You may not use the network for commercial purposes.
- You may not monopolize the resources of the District's network by such things as running large programs and applications over the network during the day, sending massive amounts of email to other users, or using system resources for nonacademic games or gaming.
- You may not break or attempt to break into other computer networks.
- Users are responsible for the appropriateness and content of material they store, transmit, or publish on the network. Hate mail, harassment, discriminatory remarks, or other antisocial behaviors are expressly prohibited.
- You may not use MUD (multi-use games) via the network.
- You are not permitted to get from or put into the network copyrighted material (including software), or threatening or sexually explicit material. Copyrights must be respected.
- You may not bring a personal laptop computer to use at school.

ACCESS TO ELECTRONIC MEDIA

INTERNET REGULATIONS

- Internet access through the school is to be used for instruction, research, and school-related activities. School access is not to be used for private business or personal, nonschool-related communications.
- Teachers, Library Media Specialists, and other educators are expected to select instructional materials and recommend research sources in print or electronic media. Educators will select and guide students on the use of instructional materials on the Internet.
- You may not offer Internet access to any individual via your District account.
- Purposefully annoying other Internet users, on or off the District system, is prohibited. This includes such things as continuous talk requests, unauthorized social networking contacts, and chat rooms.
- Students shall not reveal their own names or personal information to or establish relationships with “strangers” on the Internet, unless a parent or teacher has coordinated the communication.
- Students shall not reveal the names or personal information of other students.
- Technology resources shall not be used to bully, threaten or attack a staff member or student.
- Technology resources shall not be used to access and/or set up unauthorized blogs, online journals, or social networking accounts/sites including, but not limited to such sites as MySpace.com, Facebook.com or Xanga.com.
- The school shall never reveal a student’s personal identity or post a picture of a student or a student’s work on the Internet with personally identifiable information unless the parent has given written consent.
- Students shall notify their teacher(s) or another adult whenever they come across information or messages that are dangerous, inappropriate or make them feel uncomfortable.
- Network accounts are to be used only by the authorized owner of the account for the authorized purpose. Users may not share their password with another person or leave an open file or session unattended or unsupervised. Account owners are ultimately responsible for all activity under their accounts.
- Users shall not seek information on, or obtain copies, of or modify files, other data, or passwords belonging to other users, or misrepresent other users on the system, or attempt to gain unauthorized access to the system.
- Communications may not be encrypted so as to avoid security review.
- A student who does not have a signed AUP on file may not share access with another student.

Users of this educational system should notify a network administrator or a teacher of any violations of this contract by other users or outside parties. This may be done anonymously.

The District reserves the right to remove a user account on the system to prevent further unauthorized activity.

ACCESS TO ELECTRONIC MEDIA

ELECTRONIC MAIL REGULATIONS

- Students and employees of the District are prohibited from using District resources to establish Internet E-mail accounts through third party providers. Only Kentucky Education Technology Systems E-mail may be used.
- Be polite. Do not write or send abusive messages to others.
- You may not use electronic mail for communications that are not directly related to instruction or sanctioned school activities. Do not use electronic mail, for instance, for private business or personal, non-work or non-school related communications.
- You may not swear, use vulgarities or any other inappropriate language.
- You may not send or attach documents containing pornographic, obscene, threatening, or sexually explicit material.
- You may not access, copy or transmit another user's messages without permission.
- Do not reveal your personal address or phone number or those of other students unless a parent or a teacher has coordinated the communication.
- You may not send electronic messages using another person's name or account.
- You may not send electronic messages anonymously.
- Do not create, send, or participate in chain E-mail.

The electronic mail is not guaranteed to be private. People who operate the system do have access to all mail Messages relating to or in support of illegal activities may be reported to the authorities.

Review/Revised:6/21/10