

**Student Behavior**

The Board requires high standards of personal conduct from all pupils and embraces the concept that each pupil shall respect the rights of others and abide by the administrative procedures of the school district and the laws of the community and state.<sup>1</sup>

The Superintendent/designee shall be responsible for overall implementation and supervision of the Board's Code of Acceptable Behavior and Discipline, and each Principal shall be responsible for administration and implementation of the Code within each school. The Principal shall apply the Code uniformly and fairly to each student without partiality or discrimination.

The Principal of each school, or school council in schools with SBDM, shall set school policy concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to carry out the Code.

**REFERENCES:**

- <sup>1</sup>KRS 160.290
- KRS 158.148
- KRS 161.180
- KRS 160.290

**RELATED POLICY:**

09.438

**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.<sup>1</sup> 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.

**BULLYING DEFINED**

Bullying refers to repeated, deliberate, physical, verbal or social attacks or intimidation directed towards another person by an individual or group. Cyberbullying is bullying that takes place using electronic technology.

**REPORTS**

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

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any partyperson.

Students who believe they have been a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it.

The District Code shall specify to whom reports of alleged instances of bullying or hazing shall be made. In serious instances of peer-to-peer bullying/hazing/harassment, employees must report to the alleged victim's Principal, as directed by Board policy 09.42811. The Principal/designee shall investigate and address alleged incidents of such misbehavior.



**Bullying/Hazing**

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

**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:**

<sup>1</sup>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)

## Use of Alcohol, Drugs and Other Prohibited Substances

### **DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

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

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances and drug paraphernalia; and
3. Substances that "look like" a controlled substance. Any substance that can be reasonably mistaken for a controlled substance is considered a look-alike drug. This includes nonalcoholic beer and wine. Any student who uses, distributes, or represents a look-alike drug as authentic will be treated as if it were authentic, according to state and federal laws. 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 medical authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in [KRS 217.900](#) or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

### **AUTHORIZED MEDICATION**

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist and in compliance with Board policy 09.2241 shall not be considered in violation of this policy.

### **PENALTY**

Violation of this policy shall constitute reason for disciplinary action ~~including suspension or expulsion from schools~~ as outlined in the Code of Acceptable Behavior and Discipline and suspension or dismissal from athletic teams and/or other school-sponsored activities.



**Use of Alcohol, Drugs and Other Prohibited Substances****REPORTING**

~~District 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/designee shall develop and cause to be implemented a prevention/intervention program in the areas of alcohol, tobacco, and other drug education issues that shall comply with state and federal law. This program shall include:

1. The dangers of drug/alcohol/tobacco/substance abuse in the schools to reflect Aa clear, concise "no use" philosophy;
2. The District's policies and related procedures;
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. Assistance to teachers and other personnel in the identification, counseling, assessment and referral of pupils;
5. Inservice education provided to staff;
6. Curriculum materials which are age-appropriate;
7. Information about available counseling programs and available rehabilitation/student assistance programs;
8. Coordination with local, city, county, state, and federal agencies; and
9. Penalties that may be imposed upon students for violations of this policy as set out in the local code of acceptable behavior and discipline.

**Use of Alcohol, Drugs and Other Prohibited Substances**

**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](#); New Section of 218A  
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

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### 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/STUDENTS**

Any **pupil/student** who threatens, assaults, batters or abuses another **pupil/student** shall be subject to appropriate disciplinary action, including suspension or expulsion.<sup>1</sup> Procedures for dealing with aggressive and assaultive behavior and the resulting consequences shall be set out in the **local Code of Acceptable Behavior and Discipline**.

#### **SCHOOL PERSONNEL**

Any **pupil/student** who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action<sup>1</sup> 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 develop procedures for the immediate removal of a threatening or violent student from the classroom and submit them to the Superintendent/designee for approval.

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.

#### **NOTIFICATIONS**

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify staff members and/or students who have been threatened and parents of students who are the subject of a threat. Such notification shall observe and comply with confidentiality requirements of applicable law including, but not limited to, state and federal Family Educational Rights and Privacy Act (FERPA) laws.

**Assault and Threats of Violence**

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of 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.

**REFERENCES:**

<sup>1</sup>[KRS 158.150](#)  
[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  
09.14; 09.2211; 09.422

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**Disrupting the Educational Process**

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

1. Conduct 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

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## Telecommunication Devices

### DEFINITION

Personal telecommunication device is defined in [KRS 158.165](#) and includes, but is not limited to, cellular telephones, pagers, walkie-talkies, electronic mail devices, MP3 players, iPods, and video gaming systems.

### INSTRUCTIONAL SCHOOL DAY

Unless a school/council has been granted a waiver pursuant to Board policy 02.432, Ss students shall not use/activate and/or display a personal telecommunication device on school property during the course of the instructional day unless they are acting in the capacity of a volunteer firefighter or Emergency Medical Service (EMS) worker.<sup>1</sup> The Superintendent may approve the use of personal telecommunication devices as provided in the plan submitted by schools that contain a business and information technology career theme.

### POSSESSION AND USE AT OTHER TIMES

Outside the instructional school day and while on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as defined by law<sup>1</sup> and other related electronic devices, provided they observe the following conditions:

1. Devices shall not be used in a manner that is materially or substantially disruptive, 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.

2. 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.
3. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.
4. 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 ~~isthe~~ Code of Acceptable Behavior and Discipline.

### CONSEQUENCES

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 as provided in the Code of Acceptable Behavior and Discipline, which shall only be returned to the student's parent/guardian.



**Telecommunication Devices**

**NOTICE OF POLICY**

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

**REFERENCE:**

<sup>1</sup>[KRS 158.165](#)

**RELATED POLICIES:**

08.2323, 09.426, 09.436, 09.438

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**Student Dress Code**

~~A s~~Students ~~has the right to~~may choose ~~his or her their~~ manner of dress and otherwise ~~to~~arrange ~~his or her their own~~ personal appearance subject to the school's dress code. ~~rules and regulations regarding dress or appearance. However, any such rules must relate to a specific educational purpose such as health, safety, full participation in classes or school activities, and/or disruption of the educational process. However,~~ the wearing of any item that materially or significantly disrupts the educational process or threatens the health or safety of other students or staff members is prohibited. If a school/council chooses to develop a dress code, it shall be consistent with Board standards set out in the District's Code of Acceptable Behavior and Discipline and the Student Bill of Rights.

**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:**

09.426

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### **Student Rights**

The ~~Jefferson County Public Schools Board~~ shall acknowledge<sup>s</sup> that students retain those rights to which all citizens are entitled by the Constitution of the United States and the Constitution of the Commonwealth of Kentucky, as interpreted by the courts, when they are in membership in the school system.

This policy shall be implemented by a Student Bill of Rights, developed cooperatively by the committee that reviews the Code of Acceptable Behavior and Discipline as provided in policy 09.438. ~~a committee that includes students, administrators, teachers, parents, a bBoard of education member, the dDirector of pPupil pPersonnel, the general counsel and such other members as determined by the bBoard.~~

~~The committee shall be chaired by the dDirector of pPupil pPersonnel. The proposed revised Student Bill of Rights shall be recommended by the sSuperintendent to the bBoard of education for approval.~~

**REFERENCES:**

[KRS 160.295](#)

[KRS 158.148](#)

[704 KAR 007:050](#)

**RELATED POLICY:**

09.438

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### **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.<sup>1</sup>

#### **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) unexcused absences for the preceding semester. 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:**

<sup>1</sup>[KRS 159.051, KRS 186.470](#)  
[704 KAR 007:050](#)  
[Student Discipline Guidelines](#)  
[OAG 77-419](#)

#### **RELATED POLICIES:**

08.221  
09.123

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