



**NELSON COUNTY SCHOOLS  
CODE OF ACCEPTABLE  
BEHAVIOR AND DISCIPLINE**

**2016-2017**

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## **Vision/Mission Statement**

Quality Education Now Learning for Life

The Nelson County School District, in partnership with the community, will provide diverse and individualized instructional services to inspire, enable and prepare all students to be responsible, successful members of the competitive global society.

## **Nelson County Schools Notice**

The Nelson County Schools are in compliance with P.S. 93.380 of the Family Education Rights and Privacy Act. They also operate within Title IX of the Education Amendment of 1972, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973.

The Nelson County Schools do not discriminate on the basis of race, creed, color, national origin, gender, sexual orientation, disability, age, marital status, or religion in their educational programs, activities, employment, or vocational program.

The following person has been designated to handle inquiries regarding the non-discrimination policies: Tim Beck, Director of Student Support 288 Wildcat Lane, Bardstown, KY 40004 502-349-7000 ext. 2328.

## **Statement of Philosophy**

Students in the Nelson County Public Schools are provided the right to an education in the public schools. The United States Supreme Court has held that a student may not be deprived of the opportunity to a public education without good cause in which procedural due

process is observed. It is the responsibility of each student, through the development of his/her self-control and self-discipline, to behave in a manner that does not threaten, interfere with, or deprive other students of their right to an education. School authorities insist that an environment in each school be conducive to the learning process.

The Code shall be mandatory and enforced in a fair and equitable manner. Due consideration will be given to the age and the development state of the student, without regard to race, color, national origin, gender, or disability. The code shall apply in all phases of pupil transportation, to and from school and for school-related trips. This Code, on adoption by the Nelson County Board of Education, shall be furnished to every principal, staff member, student, and parent/guardian. The Nelson County Board of Education acknowledges that suspension is a last resort. Specific intervention steps will be taken in order to keep students in school.

## **Responsibilities and Student/Parent Rights**

The United States constitution provides for the protection and safeguard of all people. In this same vein, there is responsibility inherent in all rights. Therefore, all participants in the schooling process must exercise the self-discipline and care necessary to afford others the same rights and to guarantee that their own actions do not infringe upon the rights of others. Further, all participants have the right and responsibility to know and understand the basic code of conduct expected of them. The following sections outline the

responsibilities of all participants, and the student/parent and staff rights as well.

## **Responsibilities**

### **As a student I will:**

- Take advantage of the opportunities provided at school and work to excel academically.
- Complete class work and homework on time.
- Be on time and prepared for school and classes.
- Understand and follow school and classroom rules and follow the *Code of Acceptable Behavior and Discipline*.
- Ask teachers or school staff members for help with problems.
- Practice good citizenship by being helpful and honest whenever there is a problem.
- Respect the rights and property of students, staff, and school.
- Behave in a safe and responsible manner.
- Behave respectfully to others, avoiding profanity, insults, threats, and harassment.
- Follow the district dress code and use proper hygiene.
- Refrain from using cell phones during regular school hours and understand that the phone shall not be out or on during this time and understand that it may be confiscated by any staff member if in violation of this.
- Be at school every day unless an absence is excused.
- Bring notes from parent/guardian or physicians for excused absences within the state attendance guidelines.

- Sign in or out of school on entry/exit logs.

### **As a staff member I will:**

- Engage each student in the educational process to promote appropriate behavior and academic growth.
- Assign relevant class work and homework and provide clear directions.
- Provide appropriate assessments, both formative and summative, that check for understanding along the way and then mastery of content at the end of unit, etc.
- Create a school/classroom environment in which students can ask for help and feel safe and respected.
- Set high expectations for student academics and behavior and help students set and reach their goals.
- Encourage all students to participate in school activities and to take advantage of the opportunities offered by the schools to excel academically.
- Be a role model who demonstrates self-control, respect, and responsible citizenship in the school.
- Exhibit exemplary behavior in action, dress, and speech.
- Implement and evaluate all aspects of the educational program to improve student learning and comply with the policies, regulations, procedures, or laws of the district, state, and nation.
- Help students understand class and school rules and the *Code of Acceptable Behavior and Discipline*.

- Create and foster an atmosphere of mutual respect and consideration among students and staff members.
- Administer discipline fairly, equally, and consistently, following the guidelines within, but in doing so, use best judgment.
- Follow guidelines concerning the reporting of certain conduct. Provide regular communication with parents about successes and concerns through a variety of media.
- Reward exemplary work and/or class behavior.
- Employ fair and consistent discipline to teach students responsible behaviors.
- Seek training and education in the establishment of safe and successful schools.
- Assist the parent/guardian in finding help with health and social problems.
- Take necessary action in emergencies to protect the persons or property of those in their care.
- Keep accurate and timely records of grades, attendance, and behavior.
- Maintain entry/exit logs in the office for students who are not present for the entire instructional day.
- Follow the rules/regulations of the Board of Ed. and the local school. (NC Schools Employee Handbook and school handbooks.)
- Return Parent and Community contacts within one business day.

**As a parent or guardian I will:**

- Support and encourage my child in regards to the importance of an education.
- Make sure that my child has time, space, materials, and help for homework.
- Be involved in what goes on in school and contact the teacher with questions/concerns and attend needed parent-teacher conferences.
- Keep up to date with my child's academic progress by reviewing Infinite Campus Parent Portal, all mid-term/progress reports and report cards and contact the school if there are questions/concerns.
- Send my child to school on time and prepared every day.
- Review the *Code of Acceptable Behavior and Discipline, Student/Parent Rights*, and the school/class rules with my child.
- Support the school's discipline measures and assist the school with discipline when needed.
- Ensure that my child dresses appropriately, abides by the district dress code, and practices good hygiene.
- Ensure that my child is responsible, respectful, and behaves appropriately at school.
- Provide required restitution per disciplinary measures.
- Keep the school up to date on telephone numbers and address changes, medical problems, and family or social problems that may affect my child's school performance.
- Notify the school on the day on which my child is absent and in

writing of any long term illness affecting my child.

- Send notes to school to explain and confirm excused absences based on state attendance law requirements.
- Ensure that my child has current immunizations and required medical examinations.
- Pay required fees/fines (unless on fee waiver).
- Provide, upon enrollment, a sworn statement on an official form when a student has been adjudicated guilty/expelled for an offense involving weapons, alcohol, and/or drugs.
- Provide official documentation regarding custody, court orders, and student emancipation.

## **Student Rights**

### **As a student I have the right:**

- To receive an appropriate public education that has high educational standards and meets individual needs.
- If determined eligible as a student with an educational disability, to be entitled to specially designed instruction and/or accommodations to meet my unique needs. (Any questions please contact the Director of Special Education at (502) 349-7000.)
- To receive timely academic grades and progress reports based only on academic performance.
- To make up work upon returning to school from an absence.
- To inspect, review, and transfer my educational records and Student Infinite Campus Portal including the right to challenge

any misleading or inaccurate statement contained in my record if I am 18 years of age or older, or with the written consent of my parent/guardian.

- To experience freedom from verbal and/or physical abuse by other students, staff members, school administrators, and other school personnel.
- To organize or to have membership in groups/clubs within the school, as long as the group/club follows established Board of Education guidelines, does not disrupt the orderly educational process, and does not discriminate against any student because of gender, religion, age, race, color, national origin, economic status, marital or parental status, disability, and/or veteran status.
- To present complaints and grievances to the proper school authorities and to receive replies from school officials regarding the disposition of my complaints and grievances. (Due Process and Appeals on pages 10-11.)
- To legal counsel at my own expense.

## **Staff Rights**

### **As a teacher, administrator, or any other staff member, I have the right:**

- To work in a positive school climate with minimal disruptions.
- To expect all student assignments to be completed as requested.
- To seek support from a support from a supervisor for any student whose behavior significantly disrupts the positive school/classroom climate.

- To be free from verbal abuse or physical harm.
- To provide input to committees designed with the responsibility of drafting policies that relate to relationships with students and school personnel.
- To take appropriate action in emergencies pertaining to the protection of persons or property.
- To take appropriate action in emergencies to protect own person or property, or the person or property of those in my care.
- To administer the school environment so that a proper learning atmosphere is provided.
- To provide input for the establishment of procedures and regulations that relate to the school.
- To suspend any student whose conduct significantly disrupts the educational process (principal/designee).
- To expect all participants in the schooling process to comply with school rules and Board of Education policy.
- To expect respect from students, parents/guardians, and the school staff.
- To receive the support of students, parents/guardians, and school staff in carrying out the educational programs and policies established by the school system.

## **Parent/Guardian Rights**

**As a parent/guardian I have the right:**

- To send my child to a school with an environment where learning is valued.
- To expect the school to maintain high academic standards.
- To review my child's academic progress in the Infinite Campus Parent Portal in a timely manner and other pertinent information and to receive a reply in a reasonable time period if requested.
- To expect that classroom disruptions will be dealt with fairly, firmly, consistently, and quickly.
- To address a question concerning my child to the proper school personnel and to receive a reply within one business day.
- To enroll my child in their school of residence where they shall attend classes regularly and promptly with minimal interruptions.

## **The Discipline Process**

Most discipline is handled by the teachers in their classroom. When in-class measures do not correct the behavior the teacher or staff member will submit a written discipline referral or electronic referral to the appropriate administrator. The administrator has a variety of measures that he/she can use depending on the severity of the infraction. Administrators may use in-school discipline measures or they may suspend the student from 1-10 days depending on the seriousness of the behavior. If the suspension is severe enough to warrant an administrator to seek alternative placement or initiate expulsion procedures then a formal hearing is



conducted unless the hearing is waived by the parent/guardian.

For serious misbehavior or if previous measures have failed to correct behavior problems, an administrator can make a referral for placement at Horizons Academy for middle school and high school students. A Principal may also recommend that a student be expelled. Students may be expelled only by the Board of Education.

### **Corporal Punishment is Prohibited**

### **Classroom Teacher's Disciplinary Measures**

- Post classroom rules and expectations
- Use assigned seat
- Modeling appropriate behavior
- Use Verbal or non-verbal cues of disapproval/ approval of behavior
- Use verbal reprimand
- Notification to parent/guardian
- Parent/ guardian conference
- Use assignment of constructive task
- Use of classroom/school-wide discipline/rewards plans/systems
- Use student-teacher conference
- Use assignment to class/ team detention
- Develop a behavior contract
- Use temporary classroom isolation from other students
- Use referral to guidance counselor
- Use referral to Principal/ designee when classroom strategies have not worked or not appropriate

### **Administrator's Disciplinary Measures**

- Parent/guardian conference
- Temporary loss of school privileges
- Change in student's schedule (with parent notification)
- Temporarily isolate student
- Assign before or after school detention and/or Saturday School
- Assignment to In-School Suspension
- Establish in-school counseling/ evaluation
- Assignment of constructive tasks
- Recommendation of transfer to another school/program such as Horizons Academy for middle school and high school students
- Suspension from school
- Initiation of pre-expulsion procedures
- Restitution for damages caused

### **Central Office Administrator's Disciplinary Measures**

- Parent/Guardian conference
- Change in school/program
- Placement at Horizons Academy
- Recommendation for expulsion
- Action/Revisions taken based on the data
- Review school data regarding
  - In-school suspension
  - Detention
  - Teacher initiated time-out
  - Saturday School

### **Board of Education's Disciplinary Measure**



- Expulsion
- Review District level data regarding disciplinary measures/interventions etc...

## **Discipline Referral Procedure**

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

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

The administrator meets with the student. The administrator:

- Reads the referral form to the student
- Allows the student to respond to the charges and evidence
- Conducts an investigation, if necessary
- Decides what action to take and records it on the form
- Informs the student of the action to be taken and has the student sign the form
- Personally notifies the parent/guardian of the issue, including action taken.
- Requires the student to take the form home to be signed by his or her parent/guardian and has the student return it, if necessary.
- Communicates the outcome of discipline issues to initiating staff, as well as any other relevant staff members.

Discipline records are kept by the administrator. The records are accessible to teachers, administrators, the student, and/or the parent/guardian, as required by the Family Educational Rights and Privacy Act. Discipline records become a part of the student's permanent record.

## **Parent/Guardian Conference**

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

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

The purpose of the conference will be to discuss the problem(s) and possible solutions with appropriate school staff. School records and discipline records will be available at the meeting. The student may be invited to the meeting. The results of the meeting will be recorded in Infinite Campus.

## **The Role of the School Guidance/ Support Services**

It is recommended that the guidance counselor be notified of referrals and disciplinary action taken. The guidance

counselor may provide help to the student with individual or group counseling. The guidance counselor also may refer students to the Family Resource and Youth Service Centers (FRYSCs) or to community agencies. A teacher, administrator, or parent/guardian may refer a student to the guidance counselor for assistance.

## **Suspension**

A principal/designee may suspend a student for offenses as outlined in Section 8 of the Code.

- The Nelson County Board of Education acknowledges that suspension is a last resort. Specific intervention steps will be taken in order to keep students in school.
- A short-term suspension, in-school, out-of-school or Horizons Academy with agreement of Horizons Academy principal, shall be for a period of (1-3) days
- A long-term suspension, in school, out-of-school and or Horizons Academy, shall be for a period of (4-7) days
- A long term suspension of (8-10) days may be used for major violations that involve student safety issues, legal action or require pre-expulsion/ expulsion hearings
- A student suspended to Horizons Academy is prohibited from entering the school grounds (except for a pre-arranged conference with principal/designee), attending any day or night school functions of the Nelson County Public Schools. Riding a school bus during the term of the suspension

will be allowed, under administrator's discretion, if the student is suspended to Horizons Academy. Violations of the conditions of the suspension shall cause further disciplinary action to be taken which could include but not limited to legal action. At all stages of the suspension process, students shall be guaranteed informal due process rights as outlined in this Code.

- A student assigned to out-of-school suspension or in-school suspension, at Horizon Academy, by a school administrator will be prohibited from attending any extracurricular day/night school functions of the Nelson County Public Schools during the term of the suspension. Violations of the conditions of the suspension shall cause further disciplinary action to be taken which could include but not limited to legal action. At all stages of the suspension process, students shall be guaranteed informal due process rights as outlined in this Code.
- A suspension shall be for a defined number of days, except in the case of a pre-expulsion suspension
- Contact Tim Beck at 502-349-7000, ext. 2328, for an appeal hearing.
- 

## **Due-Process Procedures**

According to board policy 9.431, before being disciplined at the school level with suspension for violation of school regulations, a pupil shall have the right to the following due process procedures:

- The student shall be informed of the charges for the proposed suspension and provided an explanation of the evidence supporting the charges.
- The student will be provided a reasonable opportunity to present his/her case.
- The principal or assistant principal shall report the decision to suspend, by telephone or mail, to the student's parents/guardians as soon as they can be contacted following the disciplinary process.
- District form to be used.(included)

Due-process procedures will be followed before any suspension, and will be held as soon as possible, not to exceed three (3) days.

## **Expulsion**

If behavior problems warrant the initiation of the expulsion process, the following procedures will be initiated:

- The Principal/ Assistant Principal convene an informal hearing to determine the validity of the charge against the student.
- If the evidence indicates that the student has committed an expellable offense, the student is given a pre- expulsion suspension.
- All documentation is forwarded to Nelson County Board of Education. Refer to NCBE policy 9.435 for expulsion procedures.

## **Suspension/Expulsion Procedures for Special Education/504 Students**

Students who create a dangerous or disruptive situation may be suspended from school in accordance with the Kentucky Administrative Regulations (707 KAR 1:270-707 KAR 1:340) and the Nelson County Procedures for Special Education.

The behavior of exceptional (special education) students and students who have been referred for evaluation for possible special education placement and/or related services, and students protected under Section 504 of the Rehabilitation Act of 1973 and should be considered during initial referral meetings. If a student has a behavioral intervention plan, it shall become an integral part of a student's Individual Education Plan (IEP) or 504 Plan.

***Prior to disciplinary action of a student identified with a disability, school administrators will contact the student's case manager and review the student Individual Educational Plan and Behavior Intervention Plan.*** A student identified with a disability may be suspended for a short term or long term suspension (up to 10 days). Assignments to in-school suspension and Horizons Academy shall count as one of the 10 out of school suspension days, if:

- Educational services (services and instruction identified in the IEP and instruction in the program of studies) are not provided.
- A student identified with a disability may be expelled in accordance Kentucky

Administrative Regulations (707 KAR 1:270-707 KAR 1:340) and the Nelson County Procedures for Special Education.

- An Interim Alternative Placement may be considered when a student identified with a disability possesses a dangerous weapon, drugs/alcohol or causes serious bodily injury as defined by 18 U.S.C. Section 1365 (h) (3). The Director of Special Education or designee shall be contacted to ensure district due process procedures are followed.

### **Protections for Children not Determined Eligible for Special Education Services:**

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for students already eligible for special education services if the District had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The Basis of Knowledge can be made if : (a) The parent of the child has expressed concern in writing (or orally if the parent cannot express it in writing) to supervisory or administrative personnel of the appropriate school official such as a teacher of the child or school counselor that the child is in need of special education and related services; (b) The parent of the child requested an evaluation for special education services; or (c) The teacher of the child, or other personnel of the district expressed concern about a pattern of behavior or performance demonstrated by the child directly to the district Director of Special

Education or to other supervisory personnel. If a student demonstrates a pattern of behavior, a referral should be made to the school's counselor or student support team.

### **Reporting to Law Enforcement Agencies for Students with Disabilities.**

Notwithstanding any provisions of 707 KAR Chapter 1, an agency may report a crime committed by a child with a disability to appropriate authorities.

If the District reports a crime committed by a child with a disability, the building principal, or designee, shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to the extent the transmission is permitted by the Family Educational Rights and Privacy Act, 20 USC Section 1232g.

The Director of Special Education or designee shall be notified by the school administrator making the report.

### **Appeal and Due Process**

The courts have ruled that due process is a right of all citizens. In matters of discipline the student in question is entitled to due process.

In general, due process rights include:

- Being informed of charges and evidence
- Being given the opportunity to present one's case
- Having the right to appeal a suspension.

Appeals may be made in writing through administrative channels to the Board of Education. Written appeals will receive a written response. The channel of appeal is as follows:

School Administration, Superintendent, and the Board of Education. Further appeals concerning Title VI, Title IX, and Section 504 may be addressed to:

U.S. Dept. of Education  
Office for Civil Rights  
Washington, D.C. 20202

## Grievance Process

Anyone who feels they have been discriminated against on the basis of gender, color, national origin, creed, age, disability, race, marital status, or religion, should take the following steps:

- Within five working days contact, in writing, the site principal to seek resolution of the grievance/complaint on an informal/discussion basis. The principal will respond, in writing, within five working days.
- If not resolved on the informal/discussion basis, within five working days, contact the local Section 504 Coordinator at the Nelson County Board of Education. The local Section 504 Coordinator will seek resolution of the grievance/complaint on an informal/discussion basis. The local Section 504 Coordinator will respond in writing within five working days.
- The Local Section 504 Coordinator is Cheryl Pile at the Nelson County Board of Education, 349-7000.
- If not satisfied with the response from the local Section 504 Coordinator, within five working days, contact in writing the district superintendent whom will seek resolution of the grievance/complaint on an informal/discussion basis. The district superintendent will respond in writing within five working days.
- If not satisfied with the response from the district superintendent, within five working days, contact in writing the Nelson County Board of Education, which will respond within twenty working days.
- At any time during these steps for due process, the appellant may:
- Request a hearing before an impartial hearing officer or contact the Office for Civil Rights, Washington, D.C. 20202-1172

This grievance/complaint procedure may be found in the Nelson County Board of Education Policies and Procedures Handbook and also on District webpage at <http://nelson.kyschools.us/> and the Nelson County Code of Acceptable Behavior and Discipline.

## KRS 158.156

House Bill 91 sometimes referred to as the “Golden Rule Bill” or the “Bullying Bill”, was enacted during the 2008 legislative session. The legislation focuses on students who are victims of **felony** offenses as found in KRS Chapter 508. Through the provisions of HB 91, it is possible for school and district employees to report serious safe-school incidents, including bullying that rises to

the level of a felony offense, to the principal so that quick and effective actions can take place to ensure the safety and well-being of all students.

Bullying means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:

1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or
2. That disrupts the education process.

This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process. (KRS 158.148)

School specific requirements for completion for HB 91 include the following:

- All school employees shall be informed of the requirements of the code as well as any necessary training.
- If encountered, any school employee shall report to the principal any suspected felony offense listed below:

First degree assault  
Second degree assault  
Third degree assault  
Assault under extreme emotional disturbance  
First degree wanton endangerment  
First degree terroristic threatening  
Second degree terroristic threatening

First degree criminal abuse  
Second degree criminal abuse  
First degree stalking  
Disarming a police officer

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 party.

Bullying is prohibited in the Nelson County Schools. 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. Students should report it to a classroom teacher, who shall in turn make the school principal aware of the situation. In serious instances of peer-to-peer bullying, hazing, or 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.

In applicable cases, employees must report bullying and hazing to appropriate law enforcement authorities and complete documentation as required by the District's harassment/discrimination policies covering federally protected areas.



A full definition and explanation of KRS Chapter 508 felony offenses can be found at [www.lrc.ky.gov/KRS/508-00/CHAPTER.htm](http://www.lrc.ky.gov/KRS/508-00/CHAPTER.htm).

If the principal is in doubt if the offense under consideration is a felony, he/she will consult with local law enforcement and the Board attorney.

- Within 48 hours the principal files a written report to the local board of education through the superintendent. If, in the investigation the principal finds evidence of a felony offense, ONE of the following will be contacted: a local law enforcement agency, the Kentucky State Police, or the county attorney. (If a principal does not find evidence of a felony offense he/she does not have to file a report to the agencies listed, but school disciplinary measures may be taken.)
- The principal will notify parents/guardians of the alleged victim and alleged perpetrator.
- Law enforcement agencies receiving the principal's report will conduct an investigation.

### **Misdemeanors related to Criminal Harassment KRS 525.070 and KRS 525.080**

HB 91 amended two criminal statutes that address criminal harassment. These two sections, Section 4 and Section 5, are misdemeanors and thus are not part of the mandatory reporting requirement of HB 91. Depending upon the circumstances involved in an incident involving harassment, a school may report the

incident to law enforcement; however, that is up to the district. All administrators should keep in mind that whether an incident is reported to law enforcement or not, the school retains the ability to take district disciplinary action for any misbehavior, even if the misbehavior does not rise to the level where a report to law enforcement is necessary.

### **Section 4 (KRS 525.070) Harassment**

There were changes made in this statute to more clearly define harassment. These include the **intent** to intimidate where information is included about various school locations such as school premises, school-sponsored transportation, or school-sponsored events where harassment may occur. Schools should report any incidents of harassment as they would have in the past (as with Safe School incidents).

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment or discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment or discrimination at the building level. Otherwise, reports of harassment or 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. Complaints of harassment or discrimination,



whether verbal or written, shall lead to a documented investigation and a written report. 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 or discrimination.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent.

In applicable cases, employees must report harassment or discrimination to appropriate law enforcement authorities in accordance with law.

## **Section 5 (KRS 525.080) Harassing Communications**

The addition to this statute states that:

A person is guilty of harassing communications if "he/she communicates while enrolled as a student in a local school district with another student in any manner that would cause the other student to suffer from fear of physical harm, intimidation, humiliation, or embarrassment...." This could also include any harassing communication that takes place away from school property or via telecommunication networks. Usually, schools only report when the educational process is disrupted. If this behavior manifests itself at school, the school should pursue appropriate action through their Codes of Acceptable Behavior and Discipline or local law enforcement. Schools should

report any incidents of harassing communication as they would have in the past.

## **YOUTH GANGS**

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

## **BEHAVIOR VIOLATIONS**

Students shall be disciplined for committing the offenses listed below or any other disruptive behavior that interferes with the educational process. Certain violations will be handled with informal or in-school disciplinary measures. Some of these offenses may also result in a short-term or long-term placement in Horizons Academy, or expulsion from school.

- Failure to follow school or class rules or directives
- Unexcused tardiness to class or school/Non-attendance to class
- Failure to sign in or out of school
- Leaving school grounds without permission
- Forgery – falsifying documents or signatures
- Deliberate disruption-any deliberate action by the student which results in serious disruption
- Insubordination-the willful refusal by a student to follow any reasonable directives of authorized school personnel (including failure to identify oneself) or to accept in school disciplinary measures

- Use/Possession of electronic cigarettes or tobacco products-any form of tobacco (cigarettes, chewing tobacco, or any other processed tobacco product or other smoking paraphernalia in or on any school grounds or on buses at any time is prohibited.
- Gambling-games of chance or skill for money or profit
- Profanity/Vulgarity
- Striking school personnel
- Fighting-use of physical force between two or more students
- Intimidating or interfering with school personnel/students; preventing or attempting to prevent school personnel from performing their responsibilities through threats, violence or harassment
- Assault-intending to or causing physical injury to another person by means of a deadly weapon or dangerous instrument, or abuse of any kind
- Theft-stealing property belonging to the school or another person
- Extortion-obtaining of property from an unwilling person by intimidation or physical force
- Robbery-theft involving the use of physical force, deadly weapons, or dangerous instruments
- The intentional false activation of a fire alarm or bomb threat
- Vandalism-damaging or defacing school property, the property of school personnel or of students
- Arson-intentionally damaging school property or property of another person by starting a fire or causing an explosion
- Use, possession, or sale of drugs, synthetic compounds/substances, drug paraphernalia, substances that “look like” a controlled substance or alcohol (see Board Policy 9.423)
- Use, possession or sale of fireworks
- Sexual Harassment (see Board Policy 9.42811)
- Sexual Abuse
- Discrimination
- Possession of weapon or dangerous instrument including pocket knives by any student carrying, storing or using deadly weapons on school property including those inside a vehicle
- Public display of affection
- Inappropriate use of any personal telecommunications (see Board Policy 9.4261)
- See pages 25-28 for Behavior Violation Charts
- Drugs Prohibited – No pupil shall possess, use, be under the influence of, sell or transfer any controlled drug substance, or any substance which “looks like” a controlled substance, on or about school property, at any location of a school sponsored activity, or on the way to or from a school-sponsored activity.
- Drugs Defined – Controlled substances means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Department of Human Resources under regulations pursuant to KRS 218A.020.

- 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 unless distributed to others.

## **Transportation Disciplinary Procedures**

School bus transportation is not a required service under state statute or regulations. Nelson County provides transportation to and from school as a courtesy to the parents and students in the district. Therefore, all students are expected to comply with all state regulations (702 KAR 5:090) and all board of education regulations, policies and procedures, in order to continue to enjoy this privilege.

Accommodations and supports will be provided in accordance with 707 KAR 1:270-1:380 for eligible students.

- Students shall comply with district posted bus rules.
- Students shall comply immediately with driver's/monitor's instructions.
- Students shall respect all others on the bus.
- Students, while riding the bus, are subject to the same conduct conditions that exist in the classroom.
- Students shall have a bus pass or note signed by their principal/designee that authorizes them to ride on a bus other than their assigned bus or to exit the bus at a location other than their designated stop. Otherwise, they shall ride only on their assigned bus and exit the bus at their designated stop.
- Students are expected to share seating space.
- Students shall not bring unapproved items on the bus. Any carry-on items should be able to be placed in a student's lap.
- Students shall not vandalize or damage any property. Restitution will be made and they will be disciplined according to the discipline procedure.
- Students shall not use profanity or participate in yelling or screaming.
- Students will be subject to removal from the bus should their actions endanger the safe operations of the bus or the well-being of others.
- Students will sit in assigned seats.
- Students shall not participate in any activity that contributes to the unsafe operation of the bus.
- Students shall not block emergency exits with any item.
- Students will not take on a position of supervision over other students at any time unless they are approved by the board of education as a monitor. In the case of an emergency; however, an appointed student will fill this role in the driver's absence.
- All students are entitled to "due process" regarding disciplinary actions taken against them.
- Students shall conduct themselves appropriately at the bus stops on the way to and from school.

- All students shall be at their designated bus stop five minutes prior to the scheduled pick up time.
- All students shall have a signed bus pass, with their name on it, in order to ride the activity bus.

## **Criminal Violations**

Students are accountable to their school in their role as students, as well as to the law in their capacity as citizens. The criminal laws of the Commonwealth of Kentucky and of the Federal Government apply to the conduct of all persons on school property. Violations should be dealt with according to these laws and local school board policy. Verified criminal misconduct may result in the immediate removal of the student from the school, pending a hearing before the board in accordance with KRS 185.150.

Schools shall report these offenses to the appropriate law enforcement agency and assist these agencies in investigating and prosecuting the offender. In cases of assault and/or battery on a student or school employee, it is encouraged that the victim(s) press charges. A student charged with criminal misconduct will be given a full due process hearing before the Board of Education.

## **Appeal and Due Process**

The courts have ruled that due process is a right of all citizens. In matters of discipline the student in question is entitled to due process.

In general, due process rights include:

1. Being informed of charges and evidence
2. Being given the opportunity to present one's case
3. Having the right to appeal.

Appeals may be made, in writing, through administrative channels to the Board of Education. Written appeals will receive a written response. The channel of appeal is as follows:

School Administration, Superintendent, and the Board of Education. Further appeals concerning Title VI, Title IX, and Section 504 may be addressed to:

U.S. Dept. of Education  
Office for Civil Rights  
Washington, D.C. 20202

## **Student Searches**

No pupil's outer clothing, pockets, or his or her personal effects (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. A certified person directly responsible for the conduct of the student or the principal/designee of the school, which the student attends, shall conduct searches of a student's person or personal effects. When a pat-down search of the student's person is conducted, the person conducting the search shall be the same gender as the student and a witness of the same gender as the student shall be present. No search will be conducted in the presence of other students. No strip searches are permitted.

Any vehicle entering Nelson County Schools property is subject to search by

school authorities and law enforcement personnel working with them. Such search may be conducted for any reasonable purpose, without a warrant. Search of the vehicle includes all compartments and components thereof. Once the search begins, the person in control of the vehicle will not be permitted to remove it from the premises during the reasonable duration of the search.

School property, such as lockers and desks, are jointly held by the school and the pupil. School authorities have the right to conduct general inspections of all such property on a regular basis. A single desk or locker may be searched if reasonable grounds exist to believe that evidence of a violation of the law or a school rule is contained therein. The Board of Education gives the Superintendent the authority to use trained dogs to locate controlled substances on school grounds. Illegal items (weapons, drugs, etc.) or other possessions reasonably determined by proper school authorities to be a threat to the student's safety or others' safety and security may be seized by school officials. A staff member may temporarily remove items, which may be used to disrupt or interfere with the educational process, from the pupil's possession.

## **Nelson County School System District-Wide Dress Code Policy**

### **SHIRTS: (BOYS AND GIRLS):**

Type: Polo shirt with visible fold-down collar, buttoned to avoid exposure; dress shirt with visible fold-down collar; visible turtleneck or mock turtleneck.

Sleeve: Shirts may be long or short sleeve (no sleeveless or sheer).

Sleeves cannot extend below the wrist.

Midriff: Front, back or side may not be exposed at any time.

### **SWEATSHIRTS/SWEATERS/VESTS:**

All sweatshirts and sweaters/vests (V-neck, crew neck or cardigan) must be worn with dress code shirts (visible fold-down collar) or turtlenecks underneath. Attached hoods are acceptable, but must be removed from the head upon entering the building.

### **PANTS/OVERALLS:**

Types: Twill, chino, corduroy, denim or jean with plain or pleated front. Elastic waist slacks may be worn. No sweat/nylon jogging, or yoga pants are allowed. Pants are to be worn at the waist (no sagging or excessively tight pants). Overalls must be worn with shirts that have sleeves.

### **SKIRTS/JUMPERS/DRESSES:**

Types: Twill, chino, corduroy, denim or jean (no spandex/lycra or stretch material). Must meet or extend to the knee. Slits may not be shorter than the knee. Shorts may be worn under the dress, skirt or jumper, but may not extend below the hem. Dresses must have sleeves and backs. Jumpers must be worn with shirts that have sleeves.

**WALKING SHORTS (BOYS AND GIRLS):  
TYPES: SHORTS MUST EXTEND TO THE  
KNEE AREA. NO ATHLETIC SHORTS.**

**HATS: HATS MUST BE REMOVED UPON  
ENTERING THE BUILDING.**

**SHOES: ALL SANDALS OR SHOES MUST  
HAVE A BACK.**

**BACKPACKS: NO ROLLING BACKPACKS  
ARE PERMITTED**

### General Expectations

- Students may not carry or wear anything that advertises drugs, alcohol, tobacco products or anything that promotes or suggests lewd, dangerous or unacceptable messages.
- Clothing must not have holes or tears, and must have finished hems. Pants and skirts must not drag the ground.
- Only one out of dress code day per month is permitted (or if scheduled cumulatively, cannot exceed ten per year). Out of code days will be determined by the school administration. Student payment to participate will not be permitted.
- While students are expected to dress appropriately at after-school functions, they are not required to follow the dress code.
- JROTC uniforms and extracurricular activity jackets may be worn on designated days.
- Students may wear school spirit T-shirts on Fridays. This rule applies to shirts only, shorts and pants must still be in dress code.

### **Nelson County Substance Abuse Policy**

The policy applies to all students who choose to participate in Nelson County School District Athletic Teams and Competitive Extra Curricular Teams and Organizations, or drive a motor vehicle on to campus, which are voluntary extracurricular activities at the middle and high school level.

In order to accomplish the purpose of this policy, each student participant on each Nelson County High School Athletic and Competitive Extra Curricular Teams and

Organizations, and those students that wish to drive a motor vehicle on to campus shall be required to participate in a program of substance abuse testing. Testing shall be accomplished by the analysis of urine specimens obtained from the student participants. Collection and testing procedures shall be established, maintained, and administered to ensure (a) randomness of selection procedures, (b) proper student identification (c) that each specimen is identified with the appropriate student participant, and (d) maintenance of the unadulterated integrity of the specimen, and (e) the integrity of the collection and test process, as well as the confidentiality of test results.

A positive test result shall result in the following sanctions:

First violation: The student participant shall be suspended for the next three consecutive interscholastic events or the next three weeks of the season, whichever is greater. If necessary, the suspension shall carry over to the student's subsequent participation on another team and/or organization the following season. Participation consists of practicing, dressing-out, traveling with, or receiving recognition with or for the activity(s) in which the student is involved before reinstatement to the team or organization, or re-issue of the parking permit after a first violation

Second violation: The student participant shall be suspended for the next nine (9) consecutive interscholastic events or nine (9) consecutive weeks, whichever is greater. If necessary, the suspension shall carry over to the student's subsequent participation on another team or the organization or the issuing of a parking permit and/or to the following season.



Third and additional violations: The student participant shall be suspended for a period of one (1) calendar year from the date of the most recent test that yielded positive results. After completing the one (1) calendar year period of suspension, students will be retested before beginning the next season for which s/he is eligible. Violations shall be deemed to accumulate the student participant's involvement in all teams and organizations, or on-campus driving privileges. A school-related drug violation shall be treated as a violation, and the appropriate sanction will be assessed. Any offense by a voluntary participant shall be reported to his/her parent, but no discipline may occur through this policy.

The entire policy may be found at 09.423 in the Nelson County Board of Education Policies and Procedures.

### **Use of Tobacco and Electronic Cigarettes**

In light of existing fire regulations, federal regulations, health warnings of the Surgeon General of the United States, and because of excessive litter caused by cigarettes on school property, the following policy shall be in effect in all Nelson County Public School buildings:

- Nelson county schools are smoke and vapor free.
- No student shall be permitted to smoke, use or carry any cigarettes or electronic cigarettes, chewing tobacco, dip or any other processed tobacco products in or on any school building or grounds or on busses at any time.
- Building principals will enforce this policy uniformly in regard to all students. The punishment for

the first offense of the above policy by any student can vary from detention, Saturday School, or the completion of a smoking cessation program.

- Additional violations will result in additional consequences.

### **Deadly Weapons Prohibited on School Property**

Carrying, bringing, using, or possessing any firearm or deadly weapon in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited.

A firearm is defined as "any weapon which will expel a projectile by means of explosion" KRS 527.010(2). A deadly weapon means "any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged"; any "knife other than an ordinary pocket knife or hunting knife"; nightstick or club; blackjack or slapjack, karate sticks; shuriken or death star or artificial knuckles made from metal, plastic or other similar hard material. KRS 500.080.

School officials may seize weapons determined by proper school authorities to be a threat.

Unlawful possession of a deadly weapon on school property is a class D felony, punishable by one to five years' imprisonment and a fine of up to \$10,000.

Possession of a firearm, deadly weapon or dangerous instrument, including tasers by any student is grounds for immediate suspension and/or an expulsion hearing.

The law requires school employees to report any student who is determined to



have brought a firearm or deadly weapon to a school or school grounds, under the jurisdiction of this system, to the criminal justice or juvenile delinquency system.

To comply with existing requirements of the Individuals with Disabilities Education Act (IDEA), regarding discipline of students with disabilities, the Board of Education may modify the expulsion requirements, on a case-by-case basis. IDEA-eligible students may be expelled for behavior unrelated to their disabilities, as long as the procedural safeguard required by IDEA and KRS 158.150 is followed. Non-IDEA-eligible students may also have their expulsion requirements modified on case-by-case basis.

### **Duty to Document and Report Felony or Misdemeanor Behaviors**

KRS 158.155 requires the school records of any student expelled or subject to expulsion proceedings for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs to reflect the charges and the final disposition of the expulsion proceedings.

KRS 158.155 also requires any school employee to report to the local police department, sheriff, or Kentucky State Police:

- Any felony occurring on school property or
- Any misdemeanor or violation relating to carrying, possession, or use of a deadly weapon on school property or use, possession, or sale of controlled substances on school property.
- A felony is defined as an offense punishable by minimum of one-

year imprisonment. A misdemeanor is an offense punishable by a maximum of one year in jail.

### **Transportation School Bus Conduct**

- The department will supply schools with bus rosters.
- The department will make a fundamental effort to assure that all drivers and monitors will be adequately trained in the area of student discipline/management.
- The department will make a fundamental effort to assure that buses are operated within an acceptable range of route times and student loads.
- The department will make a fundamental effort to acquire technological equipment (video monitors, radios, etc.) to assist with bus discipline matters.
- The department will accurately record and act on all received complaints.
- The department will actively work with drivers, monitors, school officials and parents to address discipline issues.
- The department will evaluate and discuss routing with school officials and make plausible routing adjustments that may impact discipline issues. The department reserves the right to make the final decision regarding routing.
- The department will work with school administrators in enlisting the aid of school resource officer and/or local police officers in more serious student conduct matters.

## **Disciplinary Procedures and Driver Responsibilities**

- Drivers shall conform to all applicable rules/regulations as outline in 702 KAR 5:080.
- Drivers shall provide the department with a bus roster.
- Drivers and Transportation Monitors shall strive to maintain a positive rapport with all students and other school staff.
- Drivers shall handle discipline issues for all students in a firm, timely and consistent manner that will be equitable and age appropriate.
- Drivers shall enforce bus rules that are posted on all buses.
- Drivers shall cooperate with school authorities.
- Drivers will attend conferences with parents, as requested by school and/or transportation department.
- Drivers shall deal with minor infractions by students in the following manner:
- First offense – gives student a directive, makes sure the student understands the directive and repeats if the student does not comply.
- Second offense – counsels student and reminds them of the code of conduct, then assigns seats as necessary.
- Third offense – writes discipline referral and turns into the student's principal/designee.
- More serious infractions will necessitate a bus driver to make the determination of whether or not the student's conduct makes an unsafe condition, the driver

shall not continue the route, find a safe location to park the bus and immediately notify the transportation department for assistance.

- The driver shall then follow procedures as outlined in 702 KAR 05:080 section 24.
- The driver shall safeguard the welfare of other students on the bus by the most appropriate means possible.
- The driver shall then make a written referral to the student's school principal/designee or transportation supervisor.
- The driver shall document the actions and events that subsequently result in a call for assistance.

## **Monitor Responsibilities**

- Monitors shall monitor and assist students while bus is in operation
- Monitors shall consult with and assist bus driver in documentation of student information, record-keeping and completing route surveys.
- Monitors shall assist the driver in assuring seat belts, harnesses and wheel chair clamps are secured as required.
- Monitors shall communicate with school personnel and parents concerning student background, medical problems and behavior as appropriate.
- Monitors shall maintain current knowledge of emergency evacuation procedures.
- Monitors shall attend in-service meetings and training courses as assigned.
- Monitors shall perform related duties as assigned.

- Special needs monitors shall operate equipment, including wheel chairs, tie-downs, seat belts, harnesses, mechanical lift and other adaptive equipment as necessary.
- Should any student be suspended from the bus, the transportation department shall be advised immediately, so that the appropriate driver(s) are notified.

### **Disciplinary Procedures – School Administration’s Responsibility**

- The term “school” applies to all schools (both public and private) within Nelson County that are provided with transportation.
- School administrators shall be familiar with and function within the scope of established board policies and state statutes regarding discipline.
- School authorities shall comply with applicable outlined discipline procedures unless there is written documentation that sanctions an alternative method of discipline for an individual student.
- A principal/designee shall authorize bus passes for any student who rides any bus other than their assigned bus or who plans to exit the bus at a different designated stop. Due to overcrowding or discipline issues a principal/designee may deny individual requests.
- When bus referrals are turned in to the schools, they should be dealt with as soon as possible, but not to exceed three school days.
- The driver and transportation department shall be advised of the disciplinary action in written form, on day of resolution.
- The official transportation copy should always be sent to the transportation department.

### **Review process for the Nelson County schools code of acceptable behavior and discipline**

The Nelson County Schools Code of Acceptable Behavior and Discipline is reviewed annually by a committee of parents, administrators, and teachers and students. Revisions are made during this review.

The Nelson County Schools Code of Acceptable Behavior and Discipline is reviewed by the school board attorney.

The Code of Acceptable Behavior and Discipline is submitted for approval during a meeting of the Nelson County Board of Education.