

PROPOSED CONFORMING CHANGES TO JCPS BOARD POLICIES

Proposed for First Reading on August 23, 2014.

Change references to “Code of Acceptable Behavior and Discipline” to “Student Support and Behavior Handbook” in the following policies:

02.4241	School Council Policies
05.48	Weapons
06.342	Hazards in and on Bus
08.2323	Access to Electronic Media
09.123	Absences and Excuses
09.4	Student Behavior
09.423	Use of Alcohol, Drugs, and Other Prohibited Substances
09.4261	Telecommunications Devices
09.427	Student Dress Code
09.428	Student Rights
09.42811	Harassment and Discrimination

School Council Policies (SBDM)**RESPONSIBILITIES OF SCHOOL COUNCIL**

The school council shall have the responsibility to set school policy, consistent with District Board policy, which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451.

ADOPTION OF POLICY

The school council shall adopt policy to be implemented by the Principal in each of the following areas of responsibility:

1. Determination of curriculum including needs assessment and curriculum development;
Such policies shall determine the writing program for the school, including use of writing portfolios consistent with [KRS 158.6453](#), to be submitted to the Kentucky Department of Education for review and comment.
2. Assignment of all instructional and noninstructional staff time;
3. Assignment of students to classes and programs within the school;
 - Assignment to classes in the elementary and middle school shall be made based on the judgment and decision of the Principal and counselor prior to the opening of school or upon the enrollment of a new student. Assignment to classes in high school shall be accomplished by course selection by the student and parent and the approval of the Principal or designee.
 - Placement of students from the household of an active duty service member or civilian military employee transferring into the District before or during the school year shall be based initially on enrollment in courses offered at the sending school and/or educational assessments conducted at that school. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advance Placement, vocational, technical, and career pathways courses. Initial placement does not preclude the District/school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of students in the course(s).
 - As appropriate to the school's curriculum offerings, each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to advanced placement (AP), International Baccalaureate (IB), dual enrollment, and dual credit courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum.
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar, and transportation requirements established by the Board;
5. Determination of the use of school space during the school day;
6. Planning and resolution of issues regarding instructional practices;

School Council Policies (SBDM)**ADOPTION OF POLICY (CONTINUED)**

7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and Principal;
As reflected in the **Student Support and Behavior Intervention Handbook District Code of Acceptable Behavior and Discipline**, loss of physical activity periods shall not be used as a disciplinary consequence.
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
The school shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.
9. Adoption of a school emergency plan and implementation of safety practices required by KRS 158.162.
10. Procedures, consistent with local Board policy, for determining alignment with state standards, technology utilization, and program appraisal;
11. Commitment to a parent involvement process that provides for:
 - a. Establishing an open, parent-friendly environment;
 - b. Increasing parental participation;
 - c. Improving two-way communication between school and home, including what their child will be expected to learn; and
 - d. Developing parental outreach programs.
12. Procedures to assist the council with consultation in the selection of personnel by the Principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.
13. Schools with K-5 organization, or any configuration thereof, shall develop and implement, in compliance with requirements of federal and state law and board policy, a wellness policy that includes moderate to vigorous physical activity each day, encourages healthy choices among students, and incorporates an assessment tool to determine each child's level of physical activity on an annual basis. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. (In the absence of a council, the Principal of the school shall develop and implement the required wellness policy.)
The Superintendent/designee shall provide assistance in identifying strategies and options to promote daily moderate to vigorous physical activity for students, which may include those that increase strength and flexibility, speed, heart rate and breathing and stress activities such as stretching, walking, running, jumping rope, dancing, and competitive endeavors that involve all students.

School Council Policies (SBDM)

OTHER POLICIES

Councils may adopt policies for areas other than those listed above to provide an environment that enhances student achievement and to help the school meet goals established by law and by the Board, provided the policies adopted are consistent with Board policies in those areas.

REVIEW OF POLICIES

Before final adoption of a council policy, it shall be reviewed by the Superintendent/designee who may request that the proposed policy be reviewed by the General Counsel. Any concerns shall be shared with the council within ten (10) working days of the Superintendent/designee's receipt of the draft policy.

The review process is not intended to interfere with a council's authority to adopt and implement legally and operationally permissible policies. Therefore, it is the Board's intent that information resulting from the review process be shared with the council in a timely manner.

COMPLIANCE WITH BOARD POLICY

In the development and application of school policies as permitted by statute, schools operating under SBDM shall comply with those policies that fall within the authority of the Board, including but not limited to those prohibiting discrimination.

WAIVER OF STATE REGULATIONS

School councils who decide to request a waiver of state regulations and/or reporting requirements established by a Kentucky Revised Statute requiring paperwork to be submitted to the Kentucky Board of Education or the Department of Education shall submit the supporting information to the Superintendent as required by law. The Superintendent shall then forward the request to the Kentucky Board of Education.

SCHOOLS OF INNOVATION

In a designated school of innovation participating in a district of innovation application and plan, the council may request a waiver from [KRS 160.345](#) or specific provisions within that statute by conducting a vote as set out in [KRS Chapter 160.107](#).

The school council shall be responsible for conducting a vote to determine if the school shall be an applicant as a school of innovation in the District's application for district of innovation status and to approve the school's plan of innovation before it is submitted to the District. The vote shall be taken by secret ballot among eligible employees as defined in [KRS 160.107](#). At least seventy percent (70%) of those casting votes in the affirmative shall be required before the school requests to be included in the District's plan and to approve the school's plan of innovation.

School Council Policies (SBDM)

REFERENCES:

[KRS 156.072](#); [KRS 156.160](#); [KRS 156.730](#); [KRS 156.735](#)

[KRS 158.197](#); [KRS 158.645](#); [KRS 158.6451](#); [KRS 158.6453](#)

[KRS 158.162](#)

[KRS 160.345](#); [KRS 160.348](#)

[KRS 156.108](#); [KRS 160.107](#); [701 KAR 5:140](#)

[OAG 93-55](#); [OAG 94-29](#); [702 KAR 7:140](#); [704 KAR 3:510](#)

Board of Educ. of Boone County v. Bushee, Ky., 889 S.W. 2d 809 (1994)

U. S. Dept. of Agriculture's *Dietary Guidelines for Americans*

RELATED POLICIES:

01.11; 02.422; 02.4231, 03.112; 08.1

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

Adopted/Amended: 08/26/2013

Order #: 2013-150

Weapons

This policy applies to all individuals on District property including students, staff members, and visitors to the school. Violations of this policy shall be reported to a law enforcement agency.

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 event is prohibited.³

Violation of this policy by employees is grounds for disciplinary action up to and including termination.

Violation of this policy by students shall require that the Principal immediately make a report to the Superintendent/designee, who shall recommend to the Board whether charges for expulsion for a minimum of one (1) calendar year from the District schools should be filed under Policy 09.435 or if the student should be assigned to an alternative school or otherwise disciplined pursuant to the **Student Support and Behavior Intervention Handbook District Code of Acceptable Behavior and Discipline**. 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 event that involves student possession of a firearm in violation of the law or assault involving the use of a weapon.

LOOK-ALIKE WEAPONS

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

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, including peace officers and police as provided in [KRS 527.070](#) and [KRS 527.020](#), are authorized to bring weapons onto school property in the 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 device 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.

Weapons**FEDERAL REQUIREMENTS REGARDING STUDENTS (CONTINUED)**

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.

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.¹

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:

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.¹

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.

Weapons**ENFORCEMENT**

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

REFERENCES:

¹[KRS 527.070](#); [KRS 158.150](#); 20 U.S.C. §7141; (Gun-Free Schools Act); 18 U.S.C. §921(a)
[KRS 158.154](#)
[KRS 158.155](#), [KRS 160.290](#), [KRS 160.340](#), [KRS 161.790](#)
[KRS 237.106](#); [KRS 237.110](#), [KRS 500.080](#);
[KRS 508.075](#), [KRS 508.078](#); [KRS 527:020](#)

Individuals with Disabilities Education Improvement Act (IDEA)

Section 504 of the Rehabilitation Act of 1973, as amended

RELATED POLICIES:

09.4341

09.435

09.436

09.4361

Adopted/Amended: 06/10/2013

Order #: 2013-095

Hazards in and on Bus**PROHIBITED ITEMS**

Passengers shall not bring an object on the school bus that may block the bus aisles or exits.

A driver shall not knowingly permit any of the following to be transported on the bus:

1. Firearms or weapons, either operative, look-alike or ceremonial;
2. Fireworks or other explosive materials of any type;
3. Live animals, except for an animal that is to enable a person to safely utilize the bus transportation as documented by adequate medical evidence or a student's Individual Education or 504 Plan, and that is not a risk to other bus riders;
4. Preserved specimens that would likely frighten a pupil or cause a commotion on the bus; or
5. Glass objects or helium balloons.

Bus drivers shall promptly report the possession of a prohibited item to the compound coordinator and the Principal. The Principal shall determine if the student should be disciplined pursuant to the Student Support and Behavior Intervention Handbook District Code of Acceptable Behavior and Discipline.

REFERENCES:

[KRS 158.110](#)

[702 KAR 5:080](#)

[702 KAR 5:150](#)

Individuals with Disabilities Education Improvement Act of 2004

Section 504 of Rehabilitation Act of 1973

Adopted/Amended: 06/10/2013

Order #: 2013-095

Access to Electronic Media

(Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner as required by this policy and related procedures, which apply to all parties who use District technology. The District offers students and employees access to electronic information through the JCPS Networks.

Communications through the JCPS Networks are not private and may be reviewed by JCPS personnel, or by someone appointed by them, to ensure that all guidelines are followed. Violation of this policy will result in a loss of access to the JCPS Networks and may result in other disciplinary action.

STUDENT SAFETY PROCEDURES AND GUIDELINES

The Superintendent/designee shall develop and implement appropriate information technology department procedures to provide guidance for access to electronic media. Procedures shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

Internet safety measures, which shall apply to all District-owned devices with Internet access or personal devices that are permitted to access the District's networks, shall be implemented and shall effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including "hacking" and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minors' access to materials harmful to them.

Specific expectations for appropriate Internet use shall be reflected in the **Student Support and Behavior Intervention Handbook** ~~District's code of acceptable behavior and discipline~~ including appropriate orientation for staff and students.

A technology protection measure may be disabled by the Board's designee during use by an adult to enable access for bona fide research or other lawful purpose.

Access is a privilege, not a right.

Students are responsible for appropriate behavior when using the JCPS Networks, just as they are in classrooms and school hallways. Therefore, general school rules for behavior apply. Access to network services is offered to students who agree to act in a considerate and responsible manner, and parent permission is required. Based on the acceptable use guidelines outlined in this policy, the system administrators will deem what is inappropriate use, and their decisions are final.

The administration and staff may revoke or suspend user access when these terms are violated.

Access to Electronic Media

(Acceptable Use Policy)

Students will:

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

Students will NOT:

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

EMPLOYEE USE

The JCPS Networks are provided to assist employees in carrying out the educational business of the District, conducting research, and communicating with others in regard to school work. Along with this access comes the availability of materials that may not be considered appropriate for use in the workplace. Because it is impossible to control all materials available through the Internet, each employee is ultimately responsible for observing the JCPS standards outlined below, as well as other applicable school and District rules for behavior and communications.

Access is a privilege, not a right.

Access to this shared resource is given to employees who agree to utilize the JCPS Networks to support the educational business of JCPS and to act in a considerate and responsible manner.

Employees will:

- Use the JCPS Networks for the educational business of JCPS such as conducting research and communicating with others in regard to school business; and
- Use appropriate language, avoiding swearing, vulgarities, or abusive language.

Access to Electronic Media

(Acceptable Use Policy)

Employees will NOT:

- Transmit or receive materials in violation of federal or state laws or regulations pertaining to copyrighted or threatening materials; or transmit or receive obscene or sexually explicit materials;
- Use the JCPS Networks for personal or commercial activities, product promotion, political lobbying, or illegal activities;
- Break into/attempt to break into another computer network;
- Damage/attempt to damage, move, or remove software, hardware or files;
- Use unauthorized multi-user games;
- Send or forward chain letters;
- Download or use unauthorized software products;;
- Create or share computer viruses;
- Share access to their JCPS Network account, fail to reasonably protect their JCPS Network account, share passwords provided to access District information, or use another person's account; or,
- Use the JCPS Networks to disrupt the efficient operation and/or educational programs of the District.

USE OF TECHNOLOGY IN THE CLASSROOM

Employees are encouraged to use electronic mail and other District technology resources to promote student learning and for communication with parents and education-related entities. If those resources are used, they shall be used for purposes directly related to work-related activities.

Technology-based materials, activities and communication tools shall be appropriate for and within the range of the knowledge, understanding, age and maturity of students with whom they are used.

SOCIAL NETWORKING SITES

Employees and activity sponsors may set up social networking accounts using District resources and following District procedures to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

Networking, communication and other options offering instructional benefits may be used for the purpose of supplementing classroom instruction and to promote communications with students and parents concerning school-related activities.

In order for employees and activity sponsors to utilize a social networking site for instructional, administrative or other work-related communication purposes, they shall comply with the following:

1. They shall request prior permission from the Superintendent/designee.
2. If permission is granted, staff members shall set up the site following District guidelines developed by the Superintendent/designee.

Access to Electronic Media**(Acceptable Use Policy)**

3. Guidelines may specify whether access to the site must be given to school/District technology staff.
4. Employees shall notify parents of the site and obtain written permission for students to become “friends” prior to the students being granted access. This permission shall be kept on file at the school as determined by the Principal.
5. Once the site has been created, the sponsoring employee shall be responsible for the following:
 - a. Monitoring and managing the site to promote safe and acceptable use; and
 - b. Observing confidentiality restrictions concerning release of student information under state and federal law.

Employees are discouraged from creating personal social networking sites to which they invite students to be friends. Employees taking such action do so at their own risk.

All employees shall be subject to disciplinary action if their conduct relating to use of technology or online resources violates this policy or other applicable policy, statutory or regulatory provisions governing employee conduct. The Professional Code of Ethics for Kentucky School Certified Personnel requires certified staff to protect the health, safety, and emotional well-being of students and confidentiality of student information. Conduct in violation of that Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to the Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

PARENTAL AUTHORIZATION

Written parental authorization shall be required prior to a student being granted access to electronic media involving District technological resources.

The required authorization, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. That document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Principal with a written request.

COMMUNITY USE

On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.

Upon request to the Principal/designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent/designee.

DISREGARD OF RULES

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of

using equipment, software, information access systems, or other computing and telecommunications technologies.

Access to Electronic Media

(Acceptable Use Policy)

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

RESPONSIBILITY FOR DAMAGES

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

RESPONDING TO CONCERNS

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

AUDIT OF USE

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

RETENTION OF RECORDS FOR E-RATE PARTICIPANTS

Following initial adoption, this policy and documentation of implementation shall be retained for at least five (5) years after the last day of service in a particular funding year.

REFERENCES:

[KRS 156.675](#); 47.U.S.C.§ 254; [701 KAR 5:120](#)

[16 KAR 1:020](#) (Code of Ethics)

47 U.S.C. 254/Children's Internet Protection Act; 45 C.F.R. 54.520

Kentucky Education Technology System (KETS)

RELATED POLICIES:

03.1325/03.2325; 03.17/03.27

08.1353; 08.2322

09.14; 09.421; 09.422; 09.425; 09.426

Adopted/Amended: 01/13/2014

Order #: 2014-004

Absences and Excuses

Students are required to attend on time, daily at the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of [702 KAR 7:125](#).¹

TRUANCY DEFINED

Any pupil who has been absent from school without valid excuse for three (3) days or more, or who has been tardy without valid excuse on three (3) days or more, is a truant. A pupil who has been reported as a truant two (2) or more times is a habitual truant.

EXCUSED ABSENCES

An excused absence or tardiness is one for which work may be made up, such as:

1. Death or severe illness in the pupil's immediate family, (a physician's note is required for verification after (10) absences for illness).
2. Illness of the pupil,
3. Religious holidays and practices,
4. One (1) day for attendance at the Kentucky State Fair,
5. Documented military leave,
6. One (1) day prior to departure of parent/guardian called to active military duty,
7. One (1) day upon the return of parent/guardian from active military duty,
8. 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, or
9. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

Provided the date(s) requested do not conflict with the State or District testing periods, a student 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.

The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board.

A student receiving an excused absence to pursue an educational enhancement opportunity shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by [KRS 157.320](#).

PARENT NOTES

Parents/guardians are to notify the school on the day on which their child is absent and provide notes to explain and confirm excused absences and tardies within three (3) school days of the student's return.

Absences and Excuses**MAKE-UP OPPORTUNITIES**

A student receiving an excused absence shall have the opportunity to make up missed schoolwork pursuant to procedures outlined in the **Student Support and Behavior Intervention Handbook** ~~district code of acceptable behavior and discipline~~ and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

REFERENCES:

¹[702 KAR 7:125](#)

[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 76-566](#), [OAG 79-68](#), [OAG 79-539](#), [OAG 91-79](#), [OAG 96-28](#)

RELATED POLICIES:

09.111, 09.122, 09.4281

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

Adopted/Amended: 02/10/2014

Order #: 2014-022

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.¹

The Superintendent/designee shall be responsible for overall implementation and supervision of the **Student Support and Behavior Intervention Handbook Board's Code of Acceptable Behavior and Discipline**, and each Principal shall be responsible for administration and implementation of the **Handbook Code** within each school. The Principal shall apply **the provisions of the Handbook 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 **provisions of the Handbook Code**.

REFERENCES:

¹[KRS 160.290](#)

[KRS 158.148](#)

[KRS 161.180](#)

RELATED POLICY:

09.438

Adopted/Amended: 05/27/2014

Order #: 2014-084

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 as outlined in the [Student Support and Behavior Intervention Handbook 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 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 a 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 Student Support and Behavior Intervention Handbook ~~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, 536 U.S. 822, 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

Adopted/Amended: 05/27/2014

Order #: 2014-084

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.

STUDENTS

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

SCHOOL PERSONNEL

Any student 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 5:080](#). 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:

¹[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 5:080](#)

RELATED POLICIES:

03.123, 03.223, 06.34

09.14; 09.2211; 09.422

Adopted/Amended: 05/27/2014

Order #: 2014-084

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, 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.¹ 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 law¹ 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 the **Student Support and Behavior Intervention Handbook** ~~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 **Student Support and Behavior Intervention Handbook** ~~Code of Acceptable Behavior and Discipline~~.

Telecommunication Devices

NOTICE OF POLICY

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

REFERENCE:

¹[KRS 158.165](#)

RELATED POLICIES:

08.2323, 09.426, 09.436, 09.438

Adopted/Amended: 05/27/2014

Order #: 2014-084

Student Dress Code

Students may choose their manner of dress and otherwise arrange their personal appearance subject to the school's dress code. 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 **Student Support and Behavior Intervention Handbook 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

Adopted/Amended: 05/27/2014

Order #: 2014-084

Student Rights

The Board acknowledges 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 Student Support and Behavior Intervention Handbook Code of Acceptable Behavior and Discipline as provided in policy 09.438.

REFERENCES:

[KRS 160.295](#)

[KRS 158.148](#)

[704 KAR 7:050](#)

RELATED POLICY:

09.438

Adopted/Amended: 05/27/2014

Order #: 2014-084

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on a student's race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex, sexual orientation, gender identity, gender expression, veteran status, or disability. It is intimidation that is sufficiently severe, pervasive, or objectively offensive so as to adversely affect a student's education or create a hostile or abusive educational environment. It may involve threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.

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 shall be subject to disciplinary action including, but not limited to suspension or expulsion.

GUIDELINES

Students who believe they or any other student, employee, or visitor is being or has been subjected to 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. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

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.

The Superintendent shall develop grievance/complaint procedures providing for:

1. Investigation of allegations of harassment/discrimination to include the submission of a written report of all findings of an investigation, regardless of the manner in which the complaint is communicated to a District administrator;

Harassment/Discrimination**GUIDELINES (CONTINUED)**

2. Establishment of measures to provide confidentiality in the complaint process;
3. A process to identify and employ methods to correct and prevent recurrence of the harassment/discrimination;
4. A process where the provisions of this policy are disseminated in writing annually to all staff and students;
5. Age-appropriate training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
6. Alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

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;
2. Instances involving sexual violence;
3. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
4. 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;
5. Destroying or damaging an individual's property based on any of the protected categories; and
6. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's academic advancement or participation in school programs or activities; or
2. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or

Harassment/Discrimination

PROHIBITED CONDUCT (CONTINUED)

3. Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating, hostile, or offensive learning environment.
4. When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the **Student Support and Behavior Intervention Handbook student handbook/code**, shall be notified.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because she/he submits a grievance which she/he believes to be true, assists or participates in an investigation, proceeding, or hearing regarding a charge of harassment/discrimination or opposes language or conduct that violates this policy.

NOTIFICATIONS

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.)

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

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 any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Failure by employees to initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

FALSE COMPLAINTS

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

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.

Harassment/Discrimination

REFERENCES:

- ¹KRS 158.156
- 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)
- Franklin vs. Gwinnett County. Public Schools, 503 U.S. 60 (1992)
- 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., 524 U.S. 274 (1998)
- Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)

RELATED POLICIES:

03.162; 03.262; 09.13; 09.2211; 09.227; 09.422; 09.426; 09.438

Adopted/Amended: 08/24/2015
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