

Policies Reviewed at the May 10, 2021 Board Policy Committee Meeting

Policies for Review

- 08.1348 Certified Oral and Written Language Support
- 09.4341 Alternative Education Programs

Policy Review Cycle

JCPS is initiating an ongoing cycle of policy review, whereby, over the course of five years, all Board policies will be reviewed.

Student Support and Behavior Intervention Handbook

Change	06.34	Conduct on Bus
Change	09.14	Student Records
Change	09.2212	Use of Physical Restraint and Seclusion
Change	09.226	Conduct on the School Bus
Change	09.4	Student Behavior
Change	09.422	Bullying and Hazing
Change	09.423	Use of Alcohol, Drugs, and Other Prohibited Substances
Change	09.4232	Tobacco, Alternative Nicotine, or Vapor Products
Change	09.426	Disrupting the Educational Process
Change	09.427	Student Dress Code
No Change	09.428	Student Rights
Change	09.4294	Driver's License Revocation
Change	09.43	Student Disciplinary Processes
Change	09.431	Due Process (Students)
Change	09.432	Detention
Change	09.434	Suspension (Students)
Change	09.436	Search and Seizure
Change	09.438	Student Support and Behavior Intervention Handbook

Certified Oral and Written Language Support

This policy identifies District obligations to provide interpreting and translation services for individuals who need language assistance, including students, parents/guardians, and employees. Individuals who provide these services on behalf of the District shall be trained, tested, and certified as interpreters and translators.

The District shall train staff how to access language support, including face-to-face interpretation, telephone interpretation, video remote interpretation, remote simultaneous interpretation, and document translation. The District shall inform international populations of language support services available to them and how to access those services. All language support services shall be provided by the District at no cost. In accordance with guidance from the Kentucky Department of Education, family members/friends or bilingual employees shall not be used to interpret or translate for formal school or District meetings/documents.

NOTIFICATION OF PROGRAMS, SERVICES, AND ACTIVITIES TO INTERNATIONAL POPULATIONS

When practicable, the District shall notify international populations in their native language of information related to any program, service, or activity provided by the District to all other populations, including the following:

- Registration, application, and enrollment
- Student discipline procedures
- Grievance and nondiscrimination procedures
- Gifted and talented programs
- Language support services
- Special education/related services
- Calendars and events
- Parent/guardian communications
- School handbooks
- Requests for parent/guardian permission
- Report cards
- Other communications deemed important by the District
- School choices

LANGUAGE IDENTIFICATION

The District shall obtain a response to a Survey of Primary and Home Language as provided in Board Policy 08.13452 from parents/guardians to determine languages spoken in the home. That language information shall be entered into the District's student information system. Language proficiency information gathered by District staff shall be used to determine the need for language support for English learners and their parents/guardians. The District shall provide translation of documents into languages other than English for the top five (5) other languages spoken by students and families in the District, as determined by the Survey of Primary and Home Language, as well as any other language requested specifically.

District international populations who need language support are obliged to request translation and interpretation services for school or District-related communications at will.

Certified Oral and Written Language Support

REFERENCES:

“Dear Colleague” letter dated January 7, 2015 from the U.S. Department of Justice Civil Rights Division/U.S. Department of Education Office of Civil Rights
Title VI of the Civil Rights Act of 1964
Lau v. Nichols, 414 U.S. 563 (1974)
Castañeda v. Pickard, 648 F.2d 989 (5th Cir. 1981)
67 FR 117 (June 18, 2002) Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.
Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000).
P.L. 116-260 Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (ESSA), Enacted December 27, 2020.

RELATED POLICIES:

08.13452; 09.12

RELATED PROCEDURE:

08.1348 AP.1

Alternative Education Programs

DEFINITION

Alternative Education Program means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative Education Programs do not include career or technical centers or departments.¹

There are two types of Alternative Education Programs governed by [704 KAR 019:002](#):

1. An alternative education program that is a District-operated facility with no definable attendance boundaries that is designed to remediate academic performance, improved behavior, or provide an enhanced learning experience.
2. A program funded by the Kentucky Education Collaborative for State Agency Children (KECSAC) serving state agency children.

PURPOSE

The purpose of the Board's Alternative Education Programs are to provide:

- Learning activities that support innovative pathways and are aligned to college and career outcomes for all students.
- A curriculum that is aligned with the Kentucky Academic Standards and the learning goals in each student's Individual Learning Plan (ILP).
- Successful student transition to the school to which the student would otherwise be assigned under the District Student Assignment Plan, when desired, appropriate, and possible, or to post-secondary status.
- A meaningful alternative to suspension and/or expulsion of a student, where applicable.

NOTE: Students do not have a right to assignment to alternative programs or services except as specifically provided by law.

As required by Kentucky Administrative Regulation [704 KAR 19:002](#):

- The District's Alternative Education Programs shall include training to build capacity of staff and administrators to deliver high-quality services and programming.
- The Board shall review this policy and accompanying procedure(s) annually.²

ELIGIBILITY CRITERIA

Alternative education assignments may be utilized for students at all grade levels.

The Superintendent/designee shall create procedures regarding entry eligibility, criteria, and transition/exit (see Alternative School Profiles).

Assignment may be voluntary or involuntary, and the program may be offered either on-site or off-site.

An ILP shall exist for a student in grade six (6) and above as required by regulation prior to assignment in a District Alternative Education Program.

Alternative Education Programs

ELIGIBILITY CRITERIA (CONTINUED)

Involuntary Assignment

"Involuntary assignment" means the placement of a student in an alternative education program by local district school personnel:

1. a. To ensure the safety of the individual student, the student body, or staff;
b. To meet the educational needs of the student;
c. To transition the student to a placement as a state agency child pursuant to KRS 158.135 and 505 KAR 1:080; or
d. For disciplinary purposes; and
2. Not made at the request of the parent or emancipated student.²

Criteria for involuntary assignment by District personnel in an Alternative Education Program shall include one (1) or more of the following:

- The need for a different educational environment for the student that will reflect an instructional delivery style best provided in an alternative setting.
- Documentation that the student has contributed to substantial and on-going disruption of the educational process.
- Documentation that there are specific academic and/or behavioral performance areas that require intensive assistance best provided in an alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- Documentation that the student needs intensive support with social and personal issues that are impeding academic performance and/or behavioral expectations.
- The student has been assigned for Student Support and Behavior Intervention Handbook ~~code of conduct~~ or Board policy violations for which assignment to an alternative program is authorized under the code or policy.
- The student is assigned to an alternative school or program for other reasons as provided in the Student Support and Behavior Intervention Handbook, Board policy, or other program standards adopted by the Board.
- Other reasons related to safety concerns and educational needs of the student referenced in 704 KAR 019:002.

A student shall not be involuntarily assigned to an Alternative Education Program solely for being at risk of academic failure and/or dropping out of school, but that may be taken into account, with documentation, when determining an involuntary assignment, if the student meets one (1) or more of the criteria.

Alternative Education Programs

ELIGIBILITY CRITERIA (CONTINUED)

Voluntary Assignment

"Voluntary assignment" means the assignment of a student in an alternative education program at the request of the parent or emancipated student and with the agreement of school personnel to better meet the educational needs of the student.²

A student's parent/legal guardian or a student who is eighteen (18) years of age or older may request voluntary assignment in an Alternative Education Program.

Criteria for voluntary assignment by District personnel in the Alternative Education Program may include one (1) or more of the following:

- The desire of a parent or emancipated student to access an enhanced learning experience through specialized curriculum and programming available through an alternative education program.
- The need for a different educational environment ~~for the student~~ that provides will reflect an instructional delivery model and academic and non-academic supports best suited to meet the needs of the student ~~style best provided in an alternative setting.~~
- Documentation that there are specific academic areas that require intensive assistance best provided in alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- The student has been identified as being at risk of academic failure and/or dropping out of school.
- The student has previously dropped out of school, but has requested to return to school via enrollment in an alternative education setting.

~~VOLUNTARY ASSIGNMENT PROCEDURES~~

~~A student is referred to the Student Relations Office by completing an online referral. The student may also have to attend an orientation or complete an assessment prior to coming to the Student Relations Office for assignment. A phone call is made to schedule an appointment with the student/family. The Student Relations Choice Counselor reviews information and meets with family to determine appropriate assignment. The Choice Counselor communicates assignment decision to the family, current school, and sending school via email. The sending school then reaches out to the family to schedule an intake meeting and schedule enrollment.~~

NOTIFICATION

The designated administrator shall provide written notification to the parents regarding their child's assignment to an Alternative Education Program. The notification for an involuntary assignment shall include length and reason for assignment, expected behavior of the student, as well as criteria for exiting the program.

In cases of involuntary assignment, parents or guardians shall be provided a copy of appeal procedures when they are notified of their child's assignment.

Alternative Education Programs

NOTIFICATION (CONTINUED)

The duration of the involuntary alternative assignment shall be as provided in applicable Board policy, Student Support and Behavior Intervention Handbook, or other alternative program standards adopted by the District, or as decided by the team and approved by the Superintendent/designee.

ADMINISTRATIVE PROCEDURES

There shall be an administrative procedure for each alternative education program that shall include the:

1. Purpose of the program, including the ways the program supports the district's college and career readiness goals for students;
2. Eligibility criteria, as appropriate;
3. Process for entering students into the program;
4. Process for transitioning students out of the program;
5. Composition of the team to develop the ILPA, which shall include an invitation to the parents to participate and, as appropriate, an invitation to the student to participate; and
6. Procedures for collaboration with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs.²

ILPA TEAM

A designated team shall develop an Individual Learning Plan Addendum (ILPA) for students in grades kindergarten through twelve (K-12) assigned to an alternative school or program. The team may consist of the administrator/designee of the student's current school/program, the administrator/designee of the Alternative Education Program, counselors, teachers and other staff as appropriate.

The Superintendent/designee shall chair the team and invite the parents, and as appropriate, the student to participate.

After consideration of input of the team, the designated administrator shall prepare or revise the ILPA to address, as appropriate, academic and behavioral needs, criteria for re-entry into the traditional program and review of student progress.

EXCEPTIONS:

- Such decisions for individual students with disabilities under the IDEA shall be made by the Admissions and Release Committee (ARC).
- Such decisions for students identified under Section 504 shall be made through the team process as required under federal law and corresponding District policies and procedures.

EXTRACURRICULAR PARTICIPATION

Students assigned to Alternative Education Programs shall be eligible to access extracurricular activities including, but not limited to sports activities, as allowed under applicable Board policy,

Alternative Education Programs

EXTRACURRICULAR PARTICIPATION (CONTINUED)

Student Support and Behavior Intervention Handbook, SBDM policy, KHSAA rules or other alternative program standards adopted by the District.

CONTINUING SUPPORT

Opportunities shall be provided for students to continue regular school work as appropriate under the supervision of Alternative Education Program staff. Students participating in an alternative program shall continue to be able to access tutoring, intervention, counseling, and other resources and services already available in the District as determined through the development of the ILPA.

TRANSITION

Students may transition to a regular classroom setting in accordance with any criteria for re-entry established by the ILPA Team and in accordance with the following process:

1. The lead Alternative Education Program administrator/designee shall invite the student (age 18 or older) or the parent/legal guardian to meet to discuss the proposed transition. If the parent/legal guardian or adult student do not attend, written notification shall be provided to explain the proposed re-entry.

For IDEA or Section 504 students, the ARC or Section 504 team shall determine placement of students as required by law.

2. Strategies shall be documented to promote successful transition to include specific staff responsibilities and how follow-up monitoring will occur.
3. Should the transition not be successful for the student, reassignment to the Alternative Education Program may be considered, and the ILPA Team may be reconvened accordingly.

COLLABORATION WITH OUTSIDE AGENCIES

The coordinator or lead administrator of the Alternative Education Program shall establish a process to collaborate with outside agencies involved with involuntary assignment, including Family Accountability, Intervention and Response (FAIR) teams, courts or other social service agencies, to address student transitions between programs. Release of protected information about students involved in the program shall be in compliance with the Family Educational Rights and Privacy Act (FERPA).

2021-2022 SUPPLEMENTARY SCHOOL YEAR ASSURANCES

For the 2021-22 school year, in accordance with the guidance provided by the Kentucky Department of Education in conformity with the provisions of Senate Bill 128 (2021 Regular Session):

1. Individual Learning Plan Addendums (ILPAs) will be reviewed and appropriately adjusted to meet the needs of alternative education program students participating in the supplemental school year program;
2. School-Based Decision Making (SBDM) councils will be given appropriate notice to allow adequate time to review and revise policies that may be impacted by the implementation of supplemental school year program; and

Alternative Education Programs

2021-2022 SUPPLEMENTARY SCHOOL YEAR ASSURANCES (CONTINUED)

3. This policy has been reviewed and appropriately adjusted to meet the needs of students participating in the supplemental school year program.

NOTE: THIS POLICY DOES NOT APPLY TO A TEMPORARY/SHORT-TERM INTERVENTION.

REFERENCES:

¹[KRS 160.380](#)

²[704 KAR 019:002](#)

[707 KAR 001:320](#)

Student Discipline Guidelines, Kentucky Department of Education

[OAG 77-419](#)

RELATED POLICIES:

08.131, 08.141

09.123, 09.14, 09.426

Adopted/Amended: 11/12/2019

Order #: 2019-196

Conduct on Bus

Recognizing that transportation is a student privilege, student riders shall adhere to all applicable regulations in order to retain that privilege.

The Superintendent/designee shall be responsible for the discipline of the students who ride the school buses to and from school.

REPORTING OF VIOLATIONS

Bus drivers shall promptly report any violation of District policy or school rules to the Principal. A student discipline incident report shall be initiated by the driver and given to the Principal or designee for appropriate disciplinary action.

DISCHARGE OF PUPILS FROM BUS

Drivers are in charge of their buses, and their first responsibility shall be to the safe transportation of their passengers. In the event that one or more pupils are behaving in a threatening or violent manner or in such a way as to endanger the safety of other pupils on the bus, the driver shall stop the bus and contact the compound coordinator to send someone to pick up the student or, if the behavior warrants, the driver shall call law enforcement. The driver is authorized to order a threatening or violent student from the bus and shall instruct the student to stand outside by the bus door. The driver shall not leave the area until assistance arrives. Ejecting a pupil from the bus ~~may shall~~ be done only in the most extreme circumstances. At the first reasonable opportunity, the driver shall notify the compound coordinator, who shall notify Principal of the school where the pupil attends who shall notify the student's parent or legal guardian.¹

VIDEO RECORDING EQUIPMENT

Video cameras may be installed in the District's school buses to record student behavior during transportation to and from school and school-related events. Evidence of student misbehavior recorded on video may be used to discipline students.

WITHHOLDING OF RIDING PRIVILEGES

The Principal is authorized to withhold bus-riding privileges up to a maximum of ten (10) school days per school year for threatening or violent behavior. Additional days of service may be withheld only with prior permission from the Executive Administrator School Culture and Climate~~executive director of Student Relations and Safety~~. The Principal shall notify the parents in cases where bus-riding privileges have been withheld.

RESTITUTION OF DAMAGES

The parents or guardians may be held responsible for restitution of any damages, beyond normal usage, inflicted by their child.

STUDENTS WITH SPECIAL NEEDS

Students with special needs who exhibit inappropriate conduct shall be managed in accordance with their Individual Education Plan (IEP) and/or 504 Plan and the legal obligations and standards adopted by the Board.²

Conduct on Bus

REFERENCES:

¹ [KRS 158.150](#); [702 KAR 005:080](#)

² Individuals with Disabilities Education Improvement Act of 2004; Section 504 of Rehabilitation Act of 1973

[KRS 158.110](#); [KRS 160.705](#); [702 KAR 005:100](#)

RELATED POLICIES:

09.226, 09.425, 09.434

Adopted/Amended: 6/10/2013

Order #: 2013-095

Student Records

Except as otherwise provided by law, student education records are those records recorded in any medium that are directly related to a student and maintained by the District or by a party acting for the District.

TYPES OF STUDENT RECORDS

Student records include, but are not limited to:

1. Personal and family data;
2. Evaluation and test data;
3. Medical and psychological reports;
4. Records of school achievement, progress reports and portfolios;
5. Records of conferences with students and/or parents (including Individual Education Programs for exceptional children);
6. Copies of correspondence concerning a student;
7. Photographs/video records of a student;
8. Discipline records;
9. Other information or data that may be useful in working with a student and/or required by state or federal law.

Student records shall be retained as required by law.

PROCEDURE TO BE ESTABLISHED

The Superintendent/designee shall develop procedures for the development, maintenance, use, storage, dissemination, and destruction of student records and to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

DISCLOSURE OF RECORDS

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Legal separation or divorce alone does not terminate a parent's record access rights. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.¹

Student records shall be developed, maintained, stored, used, released, disseminated, and destroyed in compliance with applicable state and federal laws and regulations.

State and federal laws and regulations assuring parent/student rights to review and access student records, and to provide for the privacy and confidentiality of student records shall be followed.

Considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student's education records.

Student Records

DISCLOSURE OF RECORDS (CONTINUED)

Authorized District personnel also may disclose personally identifiable information to the following:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

Personally identifiable student information may be released to those other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 C.F.R. Part 99.35.

DUTY TO REPORT

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District must notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

DIRECTORY INFORMATION

The Superintendent/designee is authorized to release student directory information to organizations or individuals upon written request. A student's name, school, mailing address, guardian e-mail address, grade level, honors and awards, photograph including use of student photographs in school District publications, school District social media, on the school District's website and to news media, video or film of students when filmed by the District for educational purposes or for promotional use or filmed by news media, and major field of study shall constitute directory information. Photos and video that would generally be considered harmful or an invasion of privacy if disclosed are not directory information. A student's date of birth shall constitute directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. The Superintendent/designee shall develop a form to permit parents and eligible students to opt-out of the release of directory information.

Information about the living situation of a student designated as homeless is not to be treated as directory information and is not to be disclosed unless prior written consent is given or unless the information meets one of FERPA's exceptions to required consent. The living situation is not considered directory information.

The District allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Student Records

DIRECTORY INFORMATION (CONTINUED)

Parents/guardian/eligible students must either permit release of all directory information or opt out of release of all directory information.

Unless the parent/guardian or student who has reached age 18 requests in writing that the District not release such information, the student's name, address, and telephone number shall be released to Armed Forces recruiters and institutions of higher education upon their request.

SURVEYS OF PROTECTED INFORMATION

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

These requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

STUDENTS WITH DISABILITIES

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency listed as part of Kentucky's juvenile justice system in [KRS 17.125](#) if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

Student Records**RECORDS OF MISSING CHILDREN**

Upon notification by the Commissioner of Education of a child's disappearance, the District shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

COURT ORDER/SUBPOENA

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to the General Counsel for advice.

REFERENCES:

¹[KRS 158.153](#); [KRS 610.320](#); [KRS 610.340](#); [KRS 610.345](#)
[KRS 7.110](#); [KRS 15A.067](#); [KRS 17.125](#); [KRS 158.032](#); [KRS 159.160](#); [KRS 159.250](#)
[KRS 160.990](#); [KRS 161.200](#); [KRS 161.210](#)
[KRS 365.732](#); [KRS 365.734](#)
[702 KAR 001:140](#); [702 KAR 003:220](#)
 20 U.S.C. 1232g, 34 C.F.R. 99.1 - 99.67
 20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98
[OAG 80-33](#); [OAG 85-130](#); [OAG 85-140](#); [OAG 86-2](#); [OAG 93-35](#)
 Kentucky Family Educational Rights and Privacy Act ([KRS 160.700](#); [KRS 160.705](#)
[KRS 160.710](#); [KRS 160.715](#); [KRS 160.720](#); [KRS 160.725](#); [KRS 160.730](#))
 Individuals with Disabilities Education Improvement Act of 2004
 Kentucky Education Technology System (KETS)
 P. L. 114-95, (Every Student Succeeds Act of 2015)
 42 U.S.C. 11431 et seq. (McKinney-Vento Act)

RELATED POLICIES:

09.111; 09.12311; 09.43

Adopted/Amended: 8/6/2019
 Order #: 2019-839

Use of Physical Restraint and Seclusion

Use of physical restraint or seclusion by school personnel is subject to [704 KAR 007:160](#). However, nothing in this policy prohibits the exercise of law enforcement duties by sworn law enforcement officers.

DEFINITIONS

- *Physical Restraint* means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely.
- *Seclusion* means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving, but does not mean classroom timeouts, supervised in-school detentions, or out-of-school suspensions.
- *School Personnel* means teachers, principals, administrators, counselors, social workers, psychologists, paraprofessionals, nurses, librarians, school resource officers, sworn law enforcement officers, and other support staff who are employed in a school or who perform services in the school on a contractual basis.

PHYSICAL RESTRAINT

All School Personnel

Use of physical restraint by all school personnel is permitted when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. In such situations, staff who have not had core team training may physically restrain students, but shall summon core trained school personnel as soon as possible.

In all situations involving use of physical restraint (including restraint by core trained personnel):

- The student shall be monitored for physical and psychological ~~well-being~~ ~~well-being~~ for the duration of the restraint.
- Personnel shall use only the amount of force reasonably believed necessary to protect the student or others from imminent danger of physical harm.

Core Trained Personnel

School personnel who have undergone core team training may also use physical restraint after less restrictive behavioral interventions have been ineffective in stopping misbehavior as noted below:

1. In nonemergency circumstances when a student's behavior poses an imminent danger of physical harm to self or others;
2. As provided in [KRS 503.050](#) (including when personnel believe physical restraint is necessary to protect themselves against the use or imminent use of unlawful physical force);
3. As provided in [KRS 503.070](#) (including when personnel believe physical restraint is necessary to protect a third person against the use or imminent use of unlawful physical force);
4. To prevent property damage as provided in KRS Chapter 503 (including when personnel believe physical restraint is immediately necessary to prevent intentional or wanton property destruction, theft, or a felony involving the use of force); and
5. As provided in [KRS 503.110](#) (including when personnel believe physical restraint is necessary to maintain reasonable discipline in a school, class, or other group, and the force used is not designed to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress).

Use of Physical Restraint and Seclusion

SECLUSION

Seclusion may be implemented only if: the student's behavior poses an imminent danger of physical harm to self or others; less restrictive interventions have been ineffective in stopping the imminent danger of physical harm; the student is monitored visually for the duration of the seclusion; and staff are appropriately trained to use seclusion.

PARAMETERS

The Board has established this policy and related procedures addressing use of physical restraint and seclusion that are designed to promote the safety of all students, school personnel, and visitors. As required by [704 KAR 007:160](#), school personnel and parents shall be made aware of how to access this policy and related procedures. Methods of notification may include, but are not limited to, publication in the District's [Student Support and Behavior Intervention Handbook](#), ~~local code of acceptable behavior and discipline and District employee handbooks.~~

TRAINING

Training of personnel on use of physical restraint and seclusion shall be provided as required by [704 KAR 007:160](#):

- All school personnel shall be trained annually to use an array of positive behavioral supports and interventions and as further required by [704 KAR 007:160](#).
- A core team of selected school personnel designated to respond to dangerous behavior and to implement physical restraint of students shall receive additional yearly training in the areas required by [704 KAR 007:160](#). (Exception: Core team members who are school resource officers or other sworn law enforcement officers are not required to undergo this training, [if the District employs or contracts with such officers.](#))

REQUIRED PROCEDURES

The Superintendent/designee shall develop procedures to be followed during and after each use of physical restraint or seclusion to include the following:

1. Documentation of the event in the student information system;
2. Notice to parents/[guardians](#); and
3. A process for the parent/[guardian](#) or emancipated youth to request a debriefing session.

NOTIFICATION REQUIREMENTS

The Principal of the school shall be notified as soon as possible when seclusion or physical restraint is used, but no later than the end of the school day on which it occurs.

Following each incident of physical restraint or seclusion of a student and if the student is not an emancipated youth, the parent/[guardian](#) of the student shall be notified of the incident either verbally or through electronic communication as soon as possible within twenty-four (24) hours of the incident. If the parent/[guardian](#) cannot be reached during that time frame, a written communication shall be mailed via U. S. mail.

Use of Physical Restraint and Seclusion

NOTIFICATION REQUIREMENTS (CONTINUED)

If death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty results from use of physical restraint or seclusion, the Superintendent/designee shall notify the Kentucky Department of Education and local law enforcement within twenty-four (24) hours. And as required under KRS 620.030, the Superintendent/designee shall also immediately cause an oral or written report to be made to a local law enforcement agency or to the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or the county attorney by telephone or otherwise.

DEBRIEFING SESSION

If the parent/guardian or emancipated student requests a debriefing session following the use or ~~parental~~-notification of the use of physical restraint or seclusion, individuals who are to participate shall be those specified by 704 KAR 007.160state regulation.

A requested debriefing session shall occur as soon as practicable, but no later than five (5) school days following receipt of the request from the parent/guardian or emancipated youth, unless a meeting is delayed by written mutual agreement of the parent/guardian or emancipated student and the school.

The debriefing session shall address elements specified by 704 KAR 007.160state regulation, and all documentation used during the session shall become part of the student's education record.

PARENT COMPLAINTS

Parents/guardians may submit a complaint regarding the physical restraint or seclusion of their child using the Board's grievance policy and procedures. On receipt of a complaint, the District and school shall investigate the circumstances surrounding the physical restraint or seclusion, make written findings, and, where appropriate, take corrective action.

STATEMENT FROM PHYSICIAN

The Superintendent/designee shall review and respond to any statement received from a student's licensed physician that the student is not to be subjected to physical restraint.

DOCUMENTATION

All incidents involving physical restraint or seclusion shall be documented by a written record of each use by the end of the next school day, and the documentation shall be maintained in the student's education record. In addition, each entry shall be informed by an interview with the student and include information required by 704 KAR 007:160.

Specified data related to incidents of physical restraint and seclusion shall be reported in the state student information system.

At the end of each school year, the Superintendent/designee shall review data on District use of physical restraint and seclusion to identify any recommendations to be made to the Board for policy and procedure revisions.

Use of Physical Restraint and Seclusion

REFERENCES:

[704 KAR 007:160](#)

KRS Chapter 503: [KRS 503.050](#), 503.070, [KRS 503.080](#), [KRS 503.110](#), [KRS 602.030](#)
Individuals with Disabilities Education Improvement Act of 2004
Section 504 of Rehabilitation Act of 1973

RELATED POLICIES

09.4281, 10.2

Adopted/Amended: 9/9/2013
Order #: 2013-157

Conduct on School Bus

STUDENTS' RESPONSIBILITIES

Students shall conform to transportation rules and ~~procedures regulations~~ prescribed by the District under state statutes¹ and under federal, state and local regulations.

INSTRUCTION IN BUS CONDUCT AND SAFETY

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

STUDENTS TO WAIT AT ASSIGNED STOP

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

CROSSING ON DRIVER'S SIGNAL

Students shall not cross the roadway when ~~proceeding to enter or after leaving~~ entering the school bus until signaled to do so by the bus driver.

CROSSING IN DRIVER'S VISION

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

SEATING

When ~~students~~ Students enter the bus, they shall proceed directly to a seat.

SEATED UNTIL COMPLETE STOP

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

BODY NOT TO PROTRUDE FROM WINDOW

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

CHANGING SEATS

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

STUDENT NOISE

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

REFERENCES:

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

RELATED POLICY:

06.34 Conduct on Bus (~~bus disciplinary policy~~)

Adopted/Amended: 2/10/2014

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 Board's Student Support and Behavior Intervention Handbook, and each Principal shall be responsible for administration and implementation of the handbook within each school. The Principal shall apply the handbook 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, consistent with Board policy, concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to support appropriate student behavior in accordance with the Student Support and Behavior Intervention Handbook~~carry out the handbook~~.

REFERENCES:

¹[KRS 160.290](#)
[KRS 158.148](#)
[KRS 161.180](#)
[KRS 160.290](#)

RELATED POLICY:

09.438

Adopted/Amended: 9/13/2016
Order #: 2016-154

Bullying and Hazing

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

ACTIONS NOT TOLERATED

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

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

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

BULLYING DEFINED

Bullying 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.²

REPORTS

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

Employees are expected to take reasonable and prudent action, in accordance with Board policy, 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 to intervene in situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to a the school or the District, and shall report those situations to the Principal or their immediate supervisor. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any person.

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

The Student Support and Behavior Intervention Handbook shall specify to whom reports of alleged instances of bullying or hazing shall be made. In ~~serious~~ instances of peer-to-peer bullying, hazing, or harassment ~~bullying/hazing/harassment~~, employees must make a report to the alleged victim's Principal /designee, as directed by Board policy 09.42811. The Principal/designee shall investigate

Bullying/Hazing**REPORTS (CONTINUED)**

and address the alleged incidents of ~~such~~ misbehavior and respond in accordance with the Student Support and Behavior Intervention Handbook.

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211, which sets forth mandatory requirements under state law for employees to report criminal activity; and
2. Investigate and complete documentation as required by policy 09.42811 and 09.428111 covering federally protected areas.

OTHER CLAIMS

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

REFERENCES:

¹[KRS 158.150](#)

²[KRS 158.148](#)

[KRS 158.156](#)

[KRS 160.290](#)

[KRS 525.080](#)

Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)

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

RELATED POLICIES:

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

Adopted/Amended: 8/23/2016

Order #: 2016-144

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 ~~p~~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, including but not limited to, and suspension or dismissal from athletic teams, ~~and/or~~ dismissal from other school-sponsored activities.

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

Employees of the District shall promptly make a report to the [JCPS Security & Investigations Unit](#), 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. [Professional development](#) ~~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.

REFERENCES:

[KRS 158.150](#); [KRS 158.154](#); [KRS 158.155](#); [KRS 160.290](#); [KRS 161.180](#)
[KRS 217.900](#); [KRS 218A.020](#); [KRS 218A.1430](#); [KRS 218A.1447](#)
[OAG 82-633](#); [OAG 93-32](#)

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

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

RELATED POLICY:

09.2241

Adopted/Amended: 9/13/2016
Order #: 2016-154

Tobacco, Alternative Nicotine, or Vapor Products

Students shall not be permitted to use or possess any tobacco product, alternative nicotine product, or vapor product as defined in [KRS 438.305](#) on or in all Board property at all times including any vehicle, owned, operated, leased, or contracted for use by the Board, and while attending or participating in any school-related student trip or student activity.

Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the [Student Support and Behavior Intervention Handbook](#) ~~Code of Acceptable Behavior and Discipline~~.

REFERENCES:

[KRS 160.290](#); [KRS 160.340](#); [KRS 161.180](#)
[KRS 438.050](#); [KRS 438.305](#); [KRS 438.345](#); [KRS 438.350](#)
[OAG 81-295](#); [OAG 91-137](#)
P. L. 1114-95, (Every Student Succeeds Act of 2015)

RELATED POLICIES:

03.1327; 03.2327; 05.31; 06.221; 10.5

Adopted/Amended: 8/6/2019
Order #: 2019-840

Disrupting the Educational Process

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

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

OTHER CLAIMS

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

REFERENCES:

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

RELATED POLICIES:

09.13; 09.422; 09.42811; 09.438

Adopted/Amended: 5/27/2014

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 ~~adopt~~ develop a dress code, it shall be consistent with Board standards set out in the District's Student Support and Behavior Intervention Handbook and the Student Bill of Rights.

Board Policy 09.13 requires that all students be afforded equal educational opportunities. Board Policy 03.131 sets forth the District's commitment to racial educational equity. In accordance with those policies, a school dress code:

1. Shall not include prohibitions of specific hair textures or hairstyles traditionally associated with a student's race or ethnicity; and
2. Shall not include prohibitions of appropriate attire or hair style, including length of hair, that discriminate against students on the basis of sex, sexual orientation, gender identity, or gender expression.

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 158.183](#)

[KRS 160.345](#)

[OAG 73-233](#)

[OAG 73-284](#)

RELATED POLICY:

09.426

Adopted/Amended: 9/13/2016

Order #: 2016-154

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 a committee that reviews the Student Support and Behavior Intervention Handbook as provided in Board Policy 09.438.

REFERENCES:

[KRS 160.295](#)

[KRS 158.148](#)

[704 KAR 007:050](#)

RELATED POLICY:

09.438

Adopted/Amended: 9/13/2016

Order #: 2016-154

Driver's License Revocation

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

ACADEMIC AND ATTENDANCE DEFICIENCIES

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

1. They shall be deemed academically deficient if they have not received passing grades in at least four (4) courses, or the equivalent of four (4) courses, taken in the preceding semester.
2. They shall be deemed deficient in attendance when they accumulate nine (9) unexcused absences for the preceding semester. Suspensions shall be considered unexcused absences.

REINSTATEMENT OF DRIVING PRIVILEGE

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

REFERENCES:

¹[KRS 159.051](#), [KRS 186.470](#)
[601 KAR 013:070](#)
[OAG 77-419](#)

RELATED POLICIES:

08.221
09.123

Adopted/Amended: 9/12/2017
Order #: 2017-276

Student Disciplinary Processes

STUDENT DISCIPLINE AND BEHAVIOR IMPROVEMENT

Procedures used by schools for student discipline and behavior improvement shall conform with the provisions of the Student Support and Behavior Intervention Handbook under Board Policy 09.438.

SCHOOL-RELATED ACTIVITIES

The authority of the District in matters of student behavior is not limited to school buildings and grounds or to times when the pupil is on ~~the his/her~~ way to or from school, but extends to any activity which is school-related or school-sponsored.

TREATMENT OF PUPILS

Student disciplinary measures ~~shall should~~ not be administered in a manner that is humiliating, degrading, or unduly severe. Teachers ~~shall not make should guard against making~~ remarks to other pupils concerning a student's ~~perceived~~ shortcomings.

Unless an administrator or the Board acts under authority of [KRS 158.150](#), no school, school administrator, teacher, or other school employee shall expel or punish a student based on juvenile court information received by the employee from any source. Administrators may act to protect staff and students when the student's conduct, as reflected by the information, indicates a substantial likelihood of an immediate and continuing threat of harm to students or staff. In cases where such actions are necessary, the following provisions shall apply:

1. Restrictions imposed on the student shall represent the least restrictive alternative available and appropriate to remedy the threat.
2. Supporting material shall be documented in and kept with the student's juvenile court record.
3. The student and/or parent/guardian may appeal actions taken to the Superintendent or to the Circuit Court with appropriate jurisdiction.¹

SERIOUS PROBLEMS

Serious disciplinary problems shall be promptly reported to the Principal and to the parent(s) of the student.

COUNCIL RESPONSIBILITY

Each school council shall select and implement discipline and classroom management techniques for the school, consistent with ~~District~~ Board policy. The council's discipline policies shall provide for involvement of parents in disciplinary situations involving their children.

In non-SBDM schools, the Principal shall make these decisions, in consultation with the Advisory Leadership Team (ALT), consistent with Board policy.

REPORTING

Each school shall annually provide to the Kentucky Department of Education, using the student information system, an assessment of school incidents relating to disruptive behaviors resulting in a criminal or juvenile status offense or public complaint, including whether:

1. The incident involved a public offense or noncriminal misconduct;
2. The incident was reported to law enforcement or the court-designated worker and the charge or type of noncriminal misconduct that was the basis of the referral or report; and

Student Disciplinary Processes

CHILDREN AND YOUTH WITH DISABILITIES

3. The report was initiated by a school resource officer, if the District employs or contracts with such officers.

Discipline for children and youth with disabilities shall observe, and be in conformity with, federal and state statutes, regulations, procedures, and guidelines.

REFERENCES:

¹[KRS 158.153](#)
[KRS 158.150](#); [KRS 158.449](#)
[KRS 160.290](#); [KRS 160.340](#); [KRS 160.345](#)
[KRS 161.180](#); [KRS 610.345](#)
P. L. 105-17

RELATED POLICY:

09.14

Adopted/Amended: 12/10/2019
Order #: 2019-215

Due Process

RIGHT TO DUE PROCESS

Due process shall be followed for all students, as required by federal and state laws and regulations and Board policy and administrative procedures~~for all children~~.

Whenever a student is alleged to have committed ~~Before being punished for~~ a violation of the Student Support and Behavior Intervention Handbook, and prior to a consequence being imposed, ~~the student~~ students shall have the right to the due process, in accordance with procedures set forth in the handbook, including the following.¹

1. A student ~~Students~~ shall be given oral or written notice of the charge(s) and evidence against ~~against him or her~~ them.
2. A student ~~Students~~ shall be given an opportunity to present his or her ~~their~~ own version of the facts concerning the charge(s).
3. A student ~~Students~~ shall be provided with an opportunity to appeal the decision.

STUDENTS WITH DISABILITIES

In cases that ~~which~~ involve students with disabilities, procedures mandated by federal and state laws and regulations shall be followed.²

REFERENCES:

¹[KRS 158.150](#)

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

RELATED POLICIES:

09.43
09.433
09.434

Adopted/Amended: 7/16/2019
Order #: 2019-718

Detention

PRINCIPAL TO ESTABLISH

The Principal/~~or~~-designee may use detention outside of instructional time as an alternative disciplinary method as set forth in the Student Support and Behavior Intervention Handbook.

NOTICE TO PARENTS

A pupil's parent/guardian shall be notified prior to the detention so that transportation may be arranged by the parent/guardian.¹

REFERENCES:

¹[KRS 160.290](#)
[KRS 160.340](#)

Adopted/Amended: 7/16/2019

Order #: 2019-718

Suspension

WHO MAY SUSPEND

In accordance with [KRS 158.150](#), the ~~principal, assistant principal, or associate principal~~ ~~Principal, Assistant Principal, or Associate Principal~~ may suspend a pupil for violations using the procedures set forth in the Student Support and Behavior Intervention Handbook.

Suspension of ~~early childhood or~~ primary school students (~~grades K to 3~~) shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the Superintendent/designee.

PRIOR DUE PROCESS REQUIRED

A pupil shall not be suspended until due process procedures have been provided as established in the Student Support and Behavior Intervention Handbook in conformity with [KRS 158.150](#) and Board Policy 09.431¹, unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process.

A suspension of one ~~(1)~~ to ten ~~(10)~~ ~~(1-10)~~ school days requires due process, in which a student is given oral or written notice of the charge against ~~him or her~~ ~~them~~; is given the opportunity to present ~~his or her~~ ~~their~~ own version of the facts concerning the charges; and is given the opportunity to appeal the decision. If a student is believed to be a danger to ~~himself-~~ or herself or to others, ~~the student he or she~~ may be suspended first and be provided a due process consultation at a later time.

A long-term suspension of eleven ~~(11)~~ to twenty ~~(20)~~ ~~(11 to 20)~~ school days requires a formal hearing unless such a hearing is waived by:

1. A student's parent/~~or~~ guardian;
2. A student who is eighteen (18) years of age or older; or
3. A student ~~who~~ is under the age of eighteen and is an emancipated youth legally free from the care, custody, and control of a parent/guardian.

Procedures for a formal hearing are in the Student Behavior Support and Intervention Handbook.

WRITTEN NOTIFICATION AND DOCUMENTATION REQUIRED

Within one (1) day of a suspension, the suspending administrator shall send written notification ~~+~~ to the parent/guardian the decision to suspend the student. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement. Every suspension shall be documented by the suspending administrator in accordance with procedures established by the District.

RESTRICTIONS

A student on suspension cannot enter the school or go on any District school grounds unless arrangements to do so are made with an administrator. ~~During suspension, a A~~ student cannot attend any day or night school-~~sponsored~~ or District-sponsored function or ride a District bus. Any violation of these conditions will result in further disciplinary action.

Procedures for ~~a~~ parents/guardians/student to appeal a suspension ~~and/or~~ a related alternative assignment shall be set forth in the Student Behavior Support and Intervention Handbook.

Suspension**STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities, the procedures mandated by federal and state law for students with disabilities shall be followed.² Exceptional Child Education students, students identified under Section 504 of the Rehabilitation Act of 1973, and students who are being assessed for suspected disabilities have additional rights guaranteed under federal and state law. The Student Support and Behavior Intervention Handbook shall include specific procedures to ensure those rights are protected.

REFERENCES:

¹[KRS 158.150](#)

²20 U.S.C. Sections § 1400 et seq; 707 Chapter 1; *Honig v. Doe*, 108 S.Ct. 592(1988)

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

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

Goss v. Lopez, 419 US 565 (1975)

[707 KAR 001:340](#)

RELATED POLICIES:

09.43

09.431

Adopted/Amended: 12/10/2019

Order #: 2019-215

Search and Seizure

REASONABLE SUSPICION

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

AUTHORIZED PERSONNEL

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

WITNESS/PERSONAL SEARCHES

When a pat-down search of pupil's person is conducted, the ~~employee person~~ conducting the search shall be the same sex as the pupil; and a witness of the same sex as the pupil shall be present during the search. A pupil who identifies as transgender or non-binary shall be permitted to decide the sex of the employee who will conduct the pat-down search and the witness. In addition, no search of a pupil shall be conducted in the presence of other students.

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

STRIP SEARCHES

No strip searches of students shall be permitted.

FAILURE TO COOPERATE

Students who fail to cooperate with school authorities when requested to shall be subject to other disciplinary action in accordance with the Student Support and Behavior Intervention Handbook.

REGULAR INSPECTION

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

Search and Seizure**ILLEGAL ITEMS**

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

OTHER DISRUPTIVE ITEMS

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

DISPOSITION OF ITEMS

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

REFERENCES:

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

[KRS 161.180](#); [KRS 531.335](#)

Safford Unified School Dist. No. 1 v. Redding, 129 S.Ct. 2633 (2009)

RELATED POLICIES:

08.2323; 09.4261

Adopted/Amended: 7/16/2019

Order #: 2019-718

Student Support and Behavior Intervention Handbook

The Student Support and Behavior Intervention Handbook is the code of acceptable behavior and discipline as required by [KRS 158.148](#) and approved by the Board. It shall be the governing guidelines and procedures for students, parents, teachers, and school administrators. Each school shall implement the Student Support and Behavior Intervention Handbook. School-based decision making councils shall have the authority to adopt policy to select and implement school-based discipline and classroom management techniques necessary to carry out the provisions of the handbook.

The Student Support and Behavior Intervention Handbook adopted by the Board ~~adopted by the Board~~ shall govern the enforcement of District administered disciplinary action. The handbook shall include procedures to be followed by administrators in the execution of their responsibilities related to discipline.

The handbook shall prohibit bullying and also include the following:

1. A process addressing how students can report handbook violations and incidents of bullying to school and District personnel for appropriate action;
2. Information regarding the consequences of bullying and violating the code and violations reportable under [KRS 158.154](#), [KRS 158.156](#), or [KRS 158.444](#); and
3. A prohibition against retaliating against a student who reports a violation of the handbook code or assists or participates in any investigation, proceeding, or hearing regarding the violation.

COMMUNICATION

This handbook shall be published, made available to all students, parents and/or guardians and school employees and posted in each school ~~in conspicuous places throughout all schools~~. The Superintendent shall develop a plan to include additional efforts to communicate the provisions of the handbook to students, staff, parents and the community.

REVIEW

This Student Support and Behavior Intervention Handbook shall be reviewed by a committee that includes students, administrators, teachers, parents, community members, the Director of Pupil Personnel, and such other members as determined by the Board.

The committee shall be chaired by the Superintendent/designee. The Student Support and Behavior Intervention Handbook shall be recommended by the Superintendent to the Board for approval.

The Board shall update the Student Support and Behavior Intervention Handbook at least every two (2) years.

REPORTING OF DATA

As directed by the Kentucky Department of Education (KDE), the District shall report to the Center for School Safety when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under [KRS 525.070](#) or [KRS 525.080](#) in relation to a serious incident.

Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.

Student Support and Behavior Intervention Handbook

REFERENCES:

[KRS 158.148](#); [KRS 158.153](#); [KRS 158.154](#); [KRS 158.156](#); [KRS 158.165](#)
[KRS 158.444](#); [KRS 160.295](#)
[KRS 525.070](#), [KRS 525.080](#)

RELATED POLICIES:

09.2211
09.3
09.42
09.421
09.422
09.426
09.42811

Adopted/Amended: 8/23/2016
Order #: 2016-144