

# Henderson County Schools



## Student Code of Conduct Handbook 2021-2022

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## MESSAGE FROM SUPERINTENDENT

Henderson County School District strives to provide a safe and orderly environment for its students. We understand that discipline is a key component to a positive, successful learning environment.

Accordingly, we hold high expectations for student behavior and we encourage and expect students to demonstrate responsibility and appropriate behavior at all times.

Our school district promotes the use of Positive Behavioral Interventions and Supports (PBIS) which recognizes the need to educate students on behavioral as well as academic expectations. PBIS focuses on a systems approach for establishing the social culture and individualized behavioral supports needed for schools to achieve.

The Student Code of Conduct describes standards of conduct important to safety of both learning and community life in our schools. When students come together, their individual rights become limited because of the need for the mutual safety of everyone. This includes the responsibilities for following rules and respecting authority of school staff members whose jobs are to ensure a successful education for all students.

We encourage each student and parent/guardian to take time to read and understand the contents of our policy. We feel confident that by working together, the learning environment in each school will be maximized for student achievement.

We look forward to the coming school year.



Bob Lawson

## PUBLIC NOTICE HENDERSON COUNTY BOARD OF EDUCATION NON-DISCRIMINATION POLICY STATEMENT

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

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

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

**School District Name and Address:**

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

**School District Superintendent:**

Bob Lawson, Superintendent  
1805 Second St.  
Henderson, KY 42420  
270-831-5000

**Student Code of Conduct Contact Person:**

Scotty Martin, Director of Administration  
1805 Second St.  
Henderson, KY 42420  
270-831-5000

**School District Student Code of Conduct Committee:**

Kris Gordon	Megan Mortis	Scotty Martin
Misty Snow	Wes Alexander	Chad Thompson
Mark Andrews	Nicholas Eastham	Brandy Haley
Anthony Black	Ryan Reusch	Mackenzie Windhaus
Kris Mayes	Matt Richeson	Tommy Ransom
Nancy Gibson	Brooke Shappell	Jinger Carter
Robin Newton	Kasey Farmer	Anthony Melvin
Steve Welch		

**Procedures for Annual Review of the Code of Conduct:**

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

**Procedures for Distribution of Student Code of Conduct Handbook:**

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

# Henderson County Schools

1805 Second Street, Henderson, Kentucky 42420  
(270) 831-5000 Fax: (270) 831-5009  
www.henderson.kyschools.us



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## ASSURANCES FOR THE STUDENT CODE OF CONDUCT HANDBOOK

This is to certify that I, Bob Lawson, Superintendent of Henderson County Schools did have the 2021-2022 Student Code of Conduct Handbook for the Henderson County Schools reviewed by legal counsel.

Signed \_\_\_\_\_ Date \_\_\_\_\_

This is to certify that I, Beth Bird, legal counsel of Henderson County Schools did review the 2021-2022 Student Code of Conduct Handbook for the Henderson County Schools.

Signed \_\_\_\_\_ Date \_\_\_\_\_

This is to certify the Henderson County Schools Board of Education did approve the 2021-2022 Student Code of Conduct Handbook for the Henderson County Schools.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Equal Educational and Employment Institution

# Henderson County Schools

## 2021-2022 Academic Calendar

July						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
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25	26	27	28	29	30	31

August						
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29	30	31				

September						
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October						
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31						

November						
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28	29	30				

December						
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January						
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30	31					

February						
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27	28					

March						
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April						
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May						
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29	30	31				

June						
Su	Mo	Tu	We	Th	Fr	Sa
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19	20	21	22	23	24	25
26	27	28	29	30		

August 10: Opening Day for Staff  
 August 11: First Day of School for Students  
 September 6: Labor Day - No School  
 October 4-8: Fall Break  
 November 24-26: Thanksgiving Break  
 December 20-December 31: Winter Break  
 January 17: Martin Luther King, Jr. Day - No School  
 February 21: Presidents' Day - No School  
 March 14: No School  
 April 4-8: Spring Break  
 May 17: Election Day- No School  
 May 20: Last Day for Students  
 May 23: Closing Day for Staff  
 May 30: Memorial Day - No School  
 May 24 - June 7: Make up Days

First or Last Day	Blue
Holiday or Break	Red
Possible Make-Up Day	Yellow
Staff Opening/Closing Day	Orange



Henderson County Board of Education  
 1805 Second Street  
 Henderson, KY 42420  
 270-831-5000  
[www.henderson.kyschools.us](http://www.henderson.kyschools.us)  
 Follow HCS on Social Media

*The mission of Henderson County Schools is to provide extraordinary educational opportunities for every student.*

Equal Educational & Employment Institution



## **ACADEMIC** **RIGHTS AND RESPONSIBILITIES**

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

### **Students Rights and Responsibilities**

#### **STUDENTS HAVE THE RIGHT TO:**

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

#### **EACH STUDENT HAS THE RESPONSIBILITY TO:**

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



## **Parent/Guardian Rights and Responsibilities**

### **PARENT/GUARDIANS HAVE THE RIGHT TO:**

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

### **PARENTS/GUARDIANS HAVE THE RESPONSIBILITY TO:**

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



## **Teacher Rights and Responsibilities**

### TEACHERS HAVE THE RIGHT TO:

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

### TEACHERS HAVE THE RESPONSIBILITY TO:

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

## **Principal/Designated Administrator Rights and Responsibilities**

### PRINCIPAL/DESIGNATED ADMINISTRATORS HAVE THE RIGHT TO:

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

### PRINCIPAL/DESIGNATED ADMINISTRATORS HAVE THE RESPONSIBILITY TO:

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

## **Classified/Other Certified Personnel Rights and Responsibilities**

CLASSIFIED/OTHER CERTIFIED PERSONNEL HAVE THE RIGHT TO:

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

CLASSIFIED/OTHER CERTIFIED PERSONNEL HAVE THE RESPONSIBILITY TO:

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

## **Non-Employed (Volunteers) School Representatives**

NON-EMPLOYED SCHOOL REPRESENTATIVES HAVE THE RIGHT TO:

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

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

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

# POLICY AND PROCEDURES

## STUDENTS

09.123

### Absences and Excuses

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

Tardiness is not just being late for school as traditionally interpreted; it is defined by law. A tardy shall be recorded for a pupil who is absent thirty-five percent (35%) or less of the regularly-scheduled school day for the pupil's grade level.

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

#### **Truancy Defined**

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

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

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

The Director of Student Services may hold a parental conference and/or attendance hearing with the student and parent(s) after a student is truant.

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

#### **Excused Absences**

Reasons for an excused absence or tardiness include:

1. Death, funeral, or severe illness in the pupil's immediate family,
2. Illness of the pupil,
3. Religious holidays and practices,
4. Appointments with doctor or dentist,
5. Failure of bus transportation,
6. Summons to appear in court,
7. One (1) day for attendance at the Kentucky State Fair as a participant,
8. Documented military leave,

(Continued)

### **Absences and Excuses**

#### **Excused Absences (continued)**

9. One (1) day prior to departure of parent/guardian called to active military duty,
10. One (1) day upon the return of parent/guardian from active military duty,
11. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave,
12. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces, or
13. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

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

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

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

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

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

Any absence or tardy, regardless the length of time, is considered an attendance event. A maximum of eight (8) absences and/or tardy events per school year (four [4] per semester) may be excused by a parent note. A statement from a medical practitioner, dentist, the judicial system, or county health department will be required for any additional absences and/or tardies.

#### **Unexcused Absences**

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

**(Continued)****Absences and Excuses****Loss of School Privileges**

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

**Make-up Work**

In order to receive credit for make-up work, a student with an absence shall be required to make-up class work missed within five (5) school days of his/her return to school. Within the five (5) day limit, teachers shall have the discretion to base the number of days required to complete a make-up assignment on the length of the assignment and the number of days missed. Students shall receive a zero (0) for each assignment not made-up within the specified five (5) day or less period. The timeline for Tier 2, Tier 3, Special Education, and Section 504 eligible students shall not be subject to the five (5) day limitation and may be extended for a reasonable period of time to permit the work to be completed.

A student who has been given an out-of-school suspension may be responsible for completing all class work missed during their suspension. This work should be completed and returned within five (5) days of returning to school. Examinations and tests must be made up within five (5) days of their return to school. Students shall be responsible for contacting teachers concerning make-up work.

**Middle School/High School**

Middle school or high school students who are absent ten (10) days unexcused, in a particular class or classes may be referred to the Attendance Board in accordance with the following conditions and:

1. When a student has been absent from a class ten (10) times, s/he may be required to appear before an Attendance Board. The Attendance Board shall consist of teachers, the building Principal, dean, counselor and pupil personnel director.
2. The Attendance Board shall give the student and his/her parent or guardian notice of the time and place of the meeting at least forty-eight (48) hours in advance of the scheduled event. At the meeting, the Attendance Board shall hear testimony and review any documentation presented by the student, parent, guardian or other designated party with information relating to the student's absences.
3. If it is determined that the absences are not justified or excused, the Attendance Board shall have the authority to impose consequences including, but not limited to: requiring the student to sign an attendance contract, loss of school or extra-curricular activity privileges, loss of parking privileges, in-school disciplinary measures, Saturday school, referral to Alternative programming, referral to the Kentucky Transportation Cabinet for license revocation and/or court referral.
4. The student and/or parent/guardian may appeal actions taken to the Superintendent.

**(Continued)****Absences and Excuses****Elementary School/Middle School /High School**

Any student who is absent twenty (20) or more days unexcused, in a particular class during the school year is subject to failure in that class.

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

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

Any student who is absent ten (10) or more days with a valid doctor's excuse will have a parent conference with the Principal or designee of the school to complete an Authorization for Release/Inspection of Records.

**Students With Disabilities**

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

**References:**

<sup>1</sup>[702 KAR 007:125](#),

[KRS 36.396](#), [KRS 38.470](#), [KRS 40.366](#), [KRS 158.070](#), [KRS 158.183](#), [KRS 158.293](#)

[KRS 158.294](#); [KRS 159.035](#), [KRS 159.140](#), [KRS 159.150](#), [KRS 159.180](#)

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

**Related Policies:**

08.1312; 08.221; 08.222

09.111, 09.122, 09.1231, 09.4281, 09.4341

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

**Related Procedure:**

09.14 AP.24

Adopted/Amended: 7/6/2018

Order #: 6

### **Access to Electronic Media** **(Responsible Use Policy)**

The District provides access to and use of the Internet, email and other District technology resources to its students and employees as part of the instructional process and to support the District's core values, mission and vision. The Board supports this access 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 resources.

#### **General Standards for Users**

Standards for users shall be included in the District's handbooks or other documents, which shall include specific guidelines for student, staff, and community member access to and use of electronic resources.

Access is a privilege—not a right. Users are responsible for good behavior on school computer networks. Independent access to network service is given to individuals who agree to act in a responsible manner. Users are required to comply with District standards and to honor the access/usage agreements.

The network is provided for users to conduct research and to communicate with others. During school hours, teachers of younger children will guide their students to appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with information sources such as television, telephones, movies, radio, and other media that may carry/broadcast information.

#### **Safety Procedures and Guidelines**

The Superintendent/designee shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines 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 technology resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities or the use of other programs with the potential of damaging or destroying programs or data.

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. Students who bring personal devices to school must use the school network to access the Internet. Use of mobile hotspots or personal data plans to access the Internet while at school is considered misuse.

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 network shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate material on the Internet;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Education of minors about appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
- Preventing unauthorized access, including "hacking" and other unlawful activities by minors online;



**(Continued)****Access to Electronic Media**  
**(Responsible Use Policy)****Safety Procedures and Guidelines (continued)**

- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minor's access to materials that are deemed obscene, child pornography, or harmful to minors.

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.

The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate its initial Internet safety measures.

Specific expectations for appropriate Internet use shall be reflected in the District's code of acceptable behavior and discipline including appropriate orientation for staff and students.

**Responsible Use Agreement**

Because access to the Internet may expose users to items that are illegal, defamatory, inaccurate, or offensive, we require all students under the age of eighteen (18) to receive a Responsible Use Agreement prior to access/use of District technology resources. All other users will also be required to honor a Responsible Use Agreement.

The required student agreement form (08.2323 AP.21), shall specify responsible uses, of on-line behavior, access privileges, and penalties for policy/procedural violations and must be signed by the student and the parent/legal guardian of minor students (those under 18 years of age). This 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) (or in case of an employee, the employee) must provide the Superintendent with a written request.

**Employee Use**

Employees shall use electronic mail, technology resources, and network access only for purposes directly associated with work-related activities.

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one's duties.) Each employee is responsible for the security of his/her own password.

Employees are encouraged to use electronic mail and other District technology resources to promote student learning and communication with the home 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.

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.

**(Continued)****Access to Electronic Media**  
**(Responsible Use Policy)****Employee Use (continued)**

District employees and activity sponsors may establish digital communication tools using District resources in accordance with District guidelines to promote communications with students, parents, and the community concerning school-related activities for the purpose of supplementing classroom instruction or when specific authorization is given by the Superintendent/designee for social networking accounts.

Staff members 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 this Code, including, but not limited to, such conduct relating to the use of technology or online resources, must be reported to Education Professional Standards Board (EPSB) as required by law and may form the basis for disciplinary action up to and including termination.

**Community Use**

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 abide by the rules of usage established by this Policy and the responsibilities set forth in the Responsible Use Agreement Form.

**No Privacy Guarantee**

The Superintendent/designee has the right to access information stored in any user directory, on a user's screen, or in District supported electronic communications. S/he may review files and communications to maintain system integrity and insure that individuals are using the system responsibly. Users should have no expectation of privacy regarding the use of District property, technology-based devices, network, Internet access, files, and email.

**Responsible Use Violations**

Failure to sign or uphold the responsibilities listed in the Student and/or Employee Responsible Use Agreement Form will be considered misuse. Misuse of District devices and/or networks may result in restricted access. Such misuse may also lead to disciplinary and/or legal action including suspension, expulsion, termination, or criminal prosecution by government authorities as appropriate.

(Continued)

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

**Responsibility for Damages**

The District makes no guarantees about the quality of the services provided and is not liable for any claims, losses, damages, costs, or other obligations arising from use of the network, District accounts, or equipment. Users are responsible for any charges incurred while using District devices and/or network including repair or replacement for District resources lost, stolen, damaged, or vandalized while under their care. The District also denies any liability for the accuracy or quality of the information

**Responsibility for Damages (continued)**

obtained through user access. Any statement accessible online is understood to be the author's individual point of view and not that of the District, its affiliates, or employees. Students under the age of 18 should only access District network accounts outside of school if a parent or legal guardian supervises their usage at all times. The student's parent or guardian is responsible for monitoring the minor's use outside of school.

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 (08.2322).

**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 District shall establish a process to prevent and monitor the District's educational technology from 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.
4. The District will take all necessary measures to secure the network against potential cyber security threats. This may include blocking access to District applications, including but not limited to email, data management and reporting tools, and other web applications.

(Continued)

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

**Retention of Records for E-Rate Participants**

Following initial adoption, this policy and documentation of implementation shall be retained for at least ten (10) years after the last day of service in a particular funding year.

**References:**

KRS 156.675; KRS 365.732; KRS 365.734

701 KAR 005:120

16 KAR 1:020 KAR 001:020 (Code of Ethics (Code of Ethics)

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

Kentucky Education Technology System (KETS)

47 C.F.R. 54.516; 15-ORD-190

**Related Policies:**

03.13214/03.23214; 03.1325/03.2325; 03.17/03.27

08.1353; 08.2322

09.14; 09.421; 09.422; 09.425; 09.426; 09.4261

10.5

Adopted/Amended: 3/20/2017

## **ADMISSIONS AND ATTENDANCE**

### **RESIDENCE DEFINED**

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

All other pupils shall be classified as nonresidents for school purposes.<sup>1</sup>

### **Homeless Children and Unaccompanied Youth**

The District shall provide educational and related services to homeless children and youth, including preschool-aged homeless children, and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied youth) in a manner that does not segregate or stigmatize students on the basis of their homeless status.

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

1. Have equal access to all educational programs and services, including transportation, that non-homeless students enjoy;
2. Have access to preschool programs as provided to other children in the District;
3. Continue attending their school of origin, when deemed in the best interest of the child, for the duration of homelessness;
4. Attend regular public school with non-homeless students; and
5. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, English learner).

The District shall provide transportation to the school of origin for homeless children at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison) if the child continues to live within the area served by the District in which the school of origin is located. If the child locates to a District other than that of his/her school of origin, the districts shall work together to apportion transportation to and from the school of origin and associated costs. If the districts are unable to reach agreement, responsibility and costs for transportation shall be shared equally.

The District shall designate an appropriate staff person to serve as liaison to homeless children and unaccompanied youth. In addition to coordination of McKinney-Vento implementation in the District, the liaison is responsible for:

- “Outreach” to other entities and agencies so that homeless students are identified;
- Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;<sup>2</sup>
- Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and
- Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

The District shall inform school personnel, service providers, advocates working with homeless families, parents, guardians and homeless children and unaccompanied youths of the duties of the liaison.

**Admissions and Attendance****Homeless Children and Unaccompanied Youth (continued)**

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District liaison. If a complaint arises regarding services or placement of homeless children and unaccompanied youth, the dispute resolution procedures as set forth in 704 KAR 7:090 shall apply.

Disputes over eligibility, school selection, or enrollment are to be appealed to the Kentucky Department of Education using the Dispute Resolution for Homeless form located at the link below:

<https://education.ky.gov/federal/progs/txc/Documents/Homeless%20Dispute%20Resolution%20Form.pdf>

The liaison shall provide a copy of the referenced form to the complainant.

The District shall provide services for homeless children and unaccompanied youths with disabilities as required by law.

**Children in Foster Care**

Students in foster care shall have equal access to all educational programs and services, including transportation, which all other students enjoy.

Foster children are to be immediately enrolled in a new school. The District shall collaborate with the Cabinet to ensure immediate and appropriate enrollment of the child and immediately contact the student's previous school for relevant records. The previous school shall provide the new school records within the student information system maintained by the Kentucky Department of Education by the end of the working day on the day of receipt of a request. If a record provided to the new school is incomplete, the previous school shall provide the completed record within three (3) working days of the original request. Remaining records shall be provided within ten (10) working days of the request.

The Superintendent shall appoint a Foster Care Liaison to coordinate activities relating to the District's provision of services to children placed in foster care, including transportation services, when the District is notified by the Cabinet for Health and Family Services in writing that the Cabinet has designated its foster care Foster Care Liaison for the District. The Superintendent may appoint the District Foster Care Liaison prior to such notice from the Cabinet.

Children in foster care, including preschool aged children if the District offers a preschool program, shall be eligible to attend their "school of origin" unless a determination is made that it is not in the child's best interest. Such determination will be made in collaboration with the child welfare agency. Dispute resolutions shall be handled by all agencies involved in the determination of the foster child's placement. When possible, a child exiting the foster care program during the school year shall be allowed to complete the school year in the school of origin.

**Best Interest of the Child**

Determining the best interest of the child takes into consideration the following factors, including but not limited to:

- The benefits to the child of maintaining educational stability;
- The appropriateness of the current educational setting;
- The child's attachment and meaningful relationships with staff and peers at the current educational setting;
- The influence of the school's climate on the child;

## (Continued)

**Admissions and Attendance**

- The safety of the child; and
- The proximity of the placement to the school of origin, and how the length of a commute would impact the child.

Upon the determination that changing a child's school of enrollment is in the best interest of the child, the Cabinet, any applicable child-caring facility, child-placing agency, school, districts, and the child's state agency caseworker shall collaborate to ensure the immediate and appropriate enrollment of the child;

1. The child's state agency caseworker shall immediately contact the receiving district to inform the district of the pending enrollment changes.
2. The child's state agency caseworker or child-caring facility or child placing agency case manager shall either accompany the child and the foster parent to the new school to enroll the child or contact applicable staff at the new school via telephone during the day of enrollment, to assist with the enrollment, to share information relating to the child's unique needs and prior experiences that may impact their education, and to identify and prevent disruptions in any instructional or support services that the child may have been receiving prior to that time, including but not limited to medical and behavioral health history and individual service plans.<sup>7</sup>

**Immigrants**

No student shall be denied enrollment based on his/her immigration status, and documentation of immigration status shall not be required as a condition of enrollment.

**Nonresidents**

Nonresident pupils may be admitted to the District's schools in accordance with Board policy and upon approval of the Superintendent.<sup>3</sup>

Written nonresident pupil contract information shall be kept on file at both the attending and resident districts.

Nonresident students designated as homeless or foster children may be required to be enrolled consistent with the "best interest of the child" or "school of origin" requirements under the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA.

**Transfer of ADA**

Nonresident pupils may be admitted to the District schools upon payment of tuition and/or transfer of the pupil's average daily attendance as defined under Kentucky's public school fund.<sup>4&5</sup>

**Non-Immigrant Foreign Students**

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

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



## (Continued)

**Admissions and Attendance**

4. The period of attendance shall not exceed twelve (12) months.

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

**Expelled/Convicted Students**

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

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

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.<sup>6</sup>

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

**References:**

<sup>1</sup>[KRS 159.010](#); [OAG 78-64](#)

<sup>2</sup>42 U.S.C. 11431 et seq. (McKinney-Vento Act)

<sup>3</sup>[KRS 158.120](#); [OAG 80-47](#); [OAG 79-327](#); [OAG 75-602](#)

<sup>4</sup>[KRS 157.320](#)

<sup>5</sup>[702 KAR 007:125](#)

<sup>6</sup>[KRS 158.155](#); [KRS 157.330](#); [KRS 158.150](#)

<sup>7</sup>KRS 158.140

[KRS 157.360](#); [KRS 158.100](#)

KRS 199.802

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

P.L. 104-208

P. L. 114-95 (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq.

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

*Plyler v. Doe*, 457 U.S. 202 (1982); Equal Educational Opportunities Act of 1974 (EEOA)

**Related Policies:**

06.32; 08.1114

09.11; 09.121; 09.1223; 09.123; 09.124; 09.125

09.126 (re requirements/exceptions for students from military families) Adopted/Amended: 07/20/2020

09.14; 09.211

Order #: 13

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

### **Drugs, Alcohol and Other Prohibited Substances**

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

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

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

#### **Definitions**

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

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

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, 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 an authorized medical provider or dentist shall not be considered in violation of this policy. Please refer to Policy 09.2241 for information on prescribed medication for students.

#### **Penalty**

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

**(Continued)****Use of Alcohol, Drugs and Other Prohibited Substances****Reporting**

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

**Prevention Program**

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

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

**Random Drug-Testing Program**

The random student drug-testing program is based on a health and safety rationale with the purpose of prevention. Drug use encourages truancy, disruptive class behavior, bullying, violence, and interferes with learning, making it a threat to not only the drug users, but to all students and teachers. We recognize that the unlawful or unauthorized use of drugs seriously impairs the health, safety, education, and future success of all students and adults in the school environment.

This student drug-testing policy shall apply to all individuals in grades six through twelve (6-12) choosing to participate in the designated extracurricular activities identified in this policy, students who apply for a permit to park on school property and students that "opt-in" the program.

Students participating in the designated extracurricular activities, students that apply for a permit to park on school property, and students that opt-in to the program shall be subject to random drug testing, including an alcohol breathalyzer test, throughout the school year.

**(Continued)**

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

Each student who plans to participate in any sport and/or extracurricular activity outlined in this policy and his/her parent or guardian shall be required to sign a written consent for drug testing as a prerequisite to the student's participation in the activity. Likewise, any student applying for a parking permit and his/her parent or guardian shall be required to sign a written consent for drug testing as a prerequisite to receiving parking privileges.

Students not participating in the activities outlined in this policy shall also have the option to "opt-in" the drug testing program and shall be placed in the pool of students that may be randomly selected. Once a student opts-in the program, his/her name shall remain in the pool until written notice is received from the student and signed by his/her parent or guardian requesting that the student be removed from the pool.

**Statement of Purpose and Intent**

1. It is the desire of the Board, administration, and staff that every student in the District refrains from using, possessing, or distributing illegal or unauthorized drugs and/or alcohol. The actions of the random drug testing policy relate solely to limiting the opportunity of any student violating the policy to participate in designated extracurricular activities and/or parking on school property. This policy is intended to supplement and complement all other policies, rules, and regulations of the District regarding possession and/or use of illegal drugs and/or alcohol.
2. Representing the District in athletics and/or school sponsored extracurricular activities and parking on school property are privileges. Accordingly, students participating in school sponsored athletic or extracurricular programs at the middle school or high school level carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct, which includes avoiding the use or possession of illegal drugs and alcohol. Likewise, students who are granted the privilege to park on school property carry a responsibility to themselves, their fellow students, their parents, and their school to demonstrate personal responsibility and exercise the highest level of safety, which includes avoiding the use or possession of illegal drugs or alcohol.
3. The purpose of this policy is to prevent drug/alcohol use; educate students as to the serious physical, mental, and emotional harm caused by drug use; alert students with possible drug problems to the potential harms of use; prevent injury, illness, and harm as a result of drug use; and maintain in the school District an environment free of drug use and abuse. The Board has adopted this policy for all students participating in the designated extracurricular activities in grades six through twelve (6-12), students driving and/or parking on school property, and students that choose to opt-in to the program.

**(Continued)****Use of Alcohol, Drugs and Other Prohibited Substances**

4. The sanctions of this policy relate solely to limiting the opportunity of any student in violation of the random drug testing policy to participate in the designated activities and/or to park on school property. However, this policy shall not be deemed to insulate students from disciplinary action based on information acquired independently of the testing program that supports a student's violation of any other policy adopted by the, the student code of acceptable behavior and discipline, and/or school handbooks relating student's being in the possession of, using, providing, or under the influence of illegal substances or alcohol while on school property or at a school activity (home or away).

**Definitions**

Designated Extracurricular Activities – Any student in grades six through twelve (6-12) participating in any of the following school sponsored extracurricular activities shall be included as a "Participant" in the student-drug testing program: archery, baseball, basketball, bass fishing, bowling, cheer, cross country, dance team, equestrian, football, JROTC drill team, JROTC rifle team, golf, marching band, soccer, softball, step team, swimming, tennis, track and field, and volleyball.

Drug Use Test – A scientifically substantiated method to test for the presence of illegal or unauthorized drugs, performance- enhancing drugs or alcohol in a person's urine, saliva, hair, or breath.

Participant – Any student in grades six through twelve (6-12) who is involved in any District athletic program or designated extracurricular activity, student drivers, and any student that voluntarily "opts-in" to the program shall be eligible to be randomly selected for drug testing.

Off-Season – Refers to those students who participated in the previous year or current year in any designated activity.

In-Season – Refers to those students presently participating in any designated activity.

Performance-Enhancing Drugs – Includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. Dietary or nutritional supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions are not included in the term "performance-enhancing drugs".

Positive Result – A toxicological test result that is considered to demonstrate the presence of one (1) or more of the prohibited substances tested for in the student's hair, urine, or saliva sample, adulterated specimen or substituted specimen. "Positive" when referring to an alcohol test administered under this policy means a breath analyzer test result that is considered to demonstrate the presence of alcohol.

**(Continued)****Use of Alcohol, Drugs and Other Prohibited Substances**

Reasonable Suspicion – Based on specific personal observations concerning the appearance, speech, or behavior of a participating student, and reasonable inferences drawn from those observations in light of experience. Information provided by a reliable source, if based on personal knowledge, shall constitute reasonable suspicion. In the context of performance-enhancing drugs, reasonable suspicion could also include unusual increases in size, strength, weight, or other athletic abilities.

Random Selection – Each participant who has returned a signed consent form will be assigned a random number for testing purposes. The participant's drug test number will be used by the laboratory which conducts the drug tests to select the participants to be tested.

School Days – Days that school is actually in session in the District.

Alcohol – The product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic methyl alcohol.

**Implementation, Review, and Evaluation**

1. Each participant in the designated extracurricular activities and all students applying for parking permits shall receive copies of the "Student Drug Testing Consent Form" which shall be read, signed, and dated by the student and parent or guardian. All students wanting to participate in the designate extracurricular activities and/or to park on school property must sign a consent form. This form must be returned to the office within five (5) school days of receipt. Failure to turn in a properly signed consent form within the time limits set forth in this policy will keep a student from participating in the designated activity. Parking permits will not be issued until the signed consent form has been received.

2. A Substance Abuse Prevention Committee (Committee) shall be establish and shall have the overall responsibility for implementing this policy. The Committee may consist of the school Principals, Head Coaches of the athletic teams, designated sponsors of extracurricular activities, Athletic Director, Title IV Coordinator, School Health Coordinator, Counselor, Superintendent, and/or Board Members.

3. The Committee shall establish procedures as needed to implement the policy fairly and efficiently. In addition, the Committee shall review and evaluate the effectiveness of the drug testing policy on an annual basis. The evaluation shall include, but not be limited to, the effectiveness of the comprehensive educational and counseling program, substance testing program, procedural safeguards, and the list of drug substances tested. The Committee shall not have access to any of the test results. The Committee's purpose is limited to procedures and evaluation of the policy.

Transfer Students

**(Continued)****Use of Alcohol, Drugs and Other Prohibited Substances**

Any student transferring to a District school who wishes to participate in a designated extracurricular activity or apply for a parking permit must have a signed "Student Drug Testing Consent Form" or file with the Principal's office within five (5) school days of his/her initial enrollment.

**Violations**

Any student who tests positive in a drug test under this policy shall be subject to the following restrictions:

1st Offense – For the first offense, the participant shall be suspended from participation in any and all contests and student drivers shall have their parking permit suspended for four (4) weeks from the date of the initial positive test. Students involved in designated extracurricular activities may attend practice sessions, continue to attend team-group functions and sit with fellow participants at events during the four (4) week suspension. Student drivers shall have their parking permit suspended for four (4) weeks from the date of the confirmation of the positive test. Any participant who tests positive will be required to provide a negative drug test, at his/her own expense, before regaining eligibility or reinstatement of parking privileges. Failure to provide a negative drug test within thirty (30) days of the initial positive test will be considered a second violation.

During the period of suspension, it is encouraged that the student receives drug counseling to assist in stopping the abusive behaviors that have occurred. The school will provide to the parent/guardian/custodian information on available counseling.

2nd Offense – For the second offense, the participant will be suspended from participation in any and all designated extracurricular activities and student drivers shall have their parking permit suspended for eighteen (18) weeks from the date of the confirmation of the positive test. The participant must provide a negative drug test, at his/her own expense, before regaining eligibility to participate in activities or reinstatement of parking privileges. If a participant does not comply, he/she will be suspended from any and all participation in any and all activities for the remainder of the season and/or parking privileges shall be revoked until such time as a negative test result is provided. During the eighteen (18) week period, it is encouraged that the student receives drug counseling to assist in stopping the abusive behaviors that have occurred. The school will provide to the parent/guardian/custodian information on available counseling.



**(Continued)****Use of Alcohol, Drugs and Other Prohibited Substances**

3rd or Subsequent Offense – For all subsequent offenses, the participant will be suspended from participation in all in-season and/or off-season activities and student drivers shall have their parking permit suspended for three hundred sixty five (365) calendar days from the date of the confirmation of the positive test.

Any violation of this policy that occurs while a student is in the ninth (9th), tenth (10th), eleventh (11th), or twelfth (12th) grade shall be cumulative in considering the level of offense.

Provided all criteria outlined in this policy have been met, students shall enter high school with a clean slate. Any violation of this policy which occurs after completion of the 8th grade shall be considered as a first offense, regardless of whether the student had a previous violation of the policy in grades six through eight (6-8).

Students “Opting-In” – Parents with students in grades six through twelve (6-12) who participate in the drug-testing program voluntarily, but do not participate in any activities that are subject to this drug-testing policy and test positive, will be notified of such positive test, but the student will not be penalized through this policy.

**Retest After Suspension**

In the case of retesting a student suspended for marijuana, a lower level of the substance might continue to be evident for up to ninety (90) days because of the extended length of time the substance stays in the body. In this situation, the student will be allowed to participate in designated extracurricular activities once he/she completes the required suspension. If the marijuana level stays the same or increases on the additional tests it will be treated as a second positive test. It will also be considered a second positive if any level is detected after ninety (90) days.

**Refusal to Submit to Drug Use Test**

If a participant refuses to submit to a drug test authorized under this policy, the participant will be considered to have had a positive test and will receive the restrictions according to the offense. Any student who has a positive initial test and refuses to complete the required paperwork for a confirmation test will be treated as a refusal to submit to testing and be subject to the restrictions/suspension imposed for the next level offense.

**Self-Reporting**

**(Continued)****Use of Alcohol, Drugs and Other Prohibited Substances**

A student who has never tested positive under this policy shall have the option to voluntarily “self-report” the use of an illegal drug/alcohol. Under this self-reporting clause, the student must self-report to the Principal prior to being selected in a random draw. Any student who self-reports a 1st offense shall have a five (5) school day suspension from all contests and student drivers shall have their parking permit suspended for five (5) school days. The student must also produce a negative test at his/her own expense within thirty (30) days. Students cannot self-report if they have already tested positive as a 1st offense.

**Disclaimer**

This policy shall not supersede any state and/or federal law or KHSAA policy on this topic.

**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: 4/17/2017

Order #: 169

### **Assault and Threats of Violence**

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

#### **PUPILS**

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

Students may also be subject to prosecution or juvenile justice interventions for assault, threats, or other abusive conduct.

The Principal shall provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provision of KRS 508.078 and potential penalties under KRS 532.060 and KRS 534.030.<sup>2</sup>

#### **SCHOOL PERSONNEL**

Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action<sup>1</sup> up to and including expulsion from school and/or legal action.

#### **REMOVAL OF STUDENTS**

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

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

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

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

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

(Continued)

**Assault and Threats of Violence**

**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.

**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust.

If individual school personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to school personnel in print form or on the web by the primary domestic violence, shelter, and advocacy service provider designated by the Cabinet for Health and Family Services to serve the school District's area.

**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.

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 official who has knowledge of the student's behavior prior to the assignment or contact.

(Continued)

**Assault and Threats of Violence**

**REFERENCES:**

<sup>1</sup>KRS 158.150  
<sup>2</sup>New Section of KRS 158  
KRS 158.154; KRS 160.290  
KRS 161.155; KRS 161.190; KRS 161.195  
KRS 209A:020; KRS 209.160  
KRS 209A.100; KRS 209A.110; KRS 209A.130  
KRS 211.160; KRS 403.720; KRS 456.010  
KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080  
KRS 532.060; KRS 534.030; KRS 620.030  
702 KAR 5:080

**RELATED POLICIES:**

03.123; 03.13253; 03.223; 03.23253; 05.4  
06.34; 09.14; 09.2211; 09.422; 09.429

Adopted/Amended: 7/15/2019  
Order #: 273

## **School Attendance Areas**

### **Assigned Zones**

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

No student may be assigned to or required to attend a charter school by the District.

### **Proof of Residence**

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

### **If Families Move**

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

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

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

(Continued)

**School Attendance Areas****Requests for Transfer**

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

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

1. The assigned school is designated by the state as being “persistently dangerous”: or
2. The student becomes a victim of a violent criminal offense, as determined by state law, while attending school.<sup>3</sup>

**References:**

<sup>1</sup>[KRS 159.070](#); [OAG 80-394](#)

<sup>2</sup>[OAG 77-311](#)

<sup>3</sup>P. L. 114-95, (Every Student Succeeds Act of 2015)

34 C.F.R. 200.44

Adopted/Amended: 7/16/2018

Order #: 6



## ATTENDANCE REQUIREMENTS

### COMPULSORY ATTENDANCE

All children in the district who have entered kindergarten or who are between the ages of six (6), as of August 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.<sup>1</sup>

Per [704 KAR 005:060](#), any five (5) year old child not otherwise subject to compulsory attendance laws, but who voluntarily enrolls in the primary school program at the beginning of the school year, may upon parental or guardian's written request be withdrawn from the program at any time within the first two (2) school calendar months. At the end of such trial period a child shall be considered irrevocably entered into the primary school program for purposes of [KRS 159.010](#) and [KRS 159.020](#).

### Exemptions from Compulsory Attendance

The Board shall exempt the following from compulsory attendance:

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

### Physician's Statement Required

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

### Exceptions to Presence at School

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

1. Students shall be counted in attendance when they are receiving home/hospital, institutional,<sup>2</sup> or court-ordered instruction in another setting.
2. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be considered school attendance.<sup>3</sup>

**Exceptions to Presence at School (continued)**

3. Students may participate in cocurricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when cocurricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.<sup>4</sup>
4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.<sup>4</sup>
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.<sup>4</sup>
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.<sup>5</sup>
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.<sup>6</sup>
8. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with [704 KAR 003:305](#), and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.<sup>4 & 7</sup>
9. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.<sup>3</sup>

**References:**

<sup>1</sup>[KRS 159.010](#); [OAG 85-55](#)

<sup>2</sup>[KRS 159.030](#)

<sup>3</sup>[KRS 159.035](#)

<sup>4</sup>[702 KAR 007:125](#)

<sup>5</sup>[KRS 158.240](#)

<sup>6</sup>[KRS 158.070](#)

<sup>7</sup>[704 KAR 003:305](#)

[KRS 158.030](#); [KRS 158.143](#)

[KRS 159.020](#); [KRS 159.180](#); [KRS 159.990](#)

[704 KAR 005:060](#)

[OAG 79-68](#); [OAG 79-539](#)

[OAG 87-40](#); [OAG 97-26](#)

**Related Policies:**

08.131; 08.1312

09.111; 09.121; 09.123; 09.36

Adopted/Amended: 7/17/2017

Order #: 6

**ATTENDANCE/TRUANCY PREVENTION FORMS****EDUCATIONAL ENHANCEMENT OPPORTUNITY REQUEST FORM**

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

Student Full Legal Name: \_\_\_\_\_ Date of Application: \_\_\_\_\_  
 Name of School: \_\_\_\_\_ Homeroom Teacher: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Grade Level: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 Residence Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

# of Excused Absences to Date: \_\_\_\_\_ # of Unexcused Absences to Date: \_\_\_\_\_  
 # of Unexcused Absences to Date: \_\_\_\_\_

Date(s) of Intended Absence(s): \_\_\_\_\_

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

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 Signature of Student

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 Date

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 Signature of Parent/Guardian

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 Date

(CONTINUED)  
**ATTENDANCE/TRUANCY**  
**PREVENTION FORMS**

EDUCATIONAL ENHANCEMENT OPPORTUNITY REQUEST FORM

**FOR SCHOOL USE ONLY**

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

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

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

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

Principal's  
Rationale: \_\_\_\_\_

\_\_\_\_\_  
Signature of \_\_\_\_\_ Principal Date

**FOR CENTRAL OFFICE USE /APPEAL OF PRINCIPAL'S DECISION**

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

Superintendent/Designee's Rationale: \_\_\_\_\_

\_\_\_\_\_  
Signature \_\_\_\_\_ of  
Superintendent/Designee **Date**

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

\_\_\_\_\_  
Signature of Board Chairman

\_\_\_\_\_  
**Date**

(CONTINUED)

**ATTENDANCE/TRUANCY PREVENTION FORMS**

## MEDICAL EXCUSE FORM

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

Student Name: \_\_\_\_\_

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

Parent or Guardian Signature

Date of Appointment: \_\_\_\_\_

Time of Appointment: \_\_\_\_\_ Time In: \_\_\_\_\_ Time Out: \_\_\_\_\_

Reason for Appointment (check only one)

- |   |  |                                      |
|---|--|--------------------------------------|
| <input type="checkbox"/> Routine Office Visit | <input type="checkbox"/> Follow-up Visit | <input type="checkbox"/> Orthodontic |
| <input type="checkbox"/> Dental               | <input type="checkbox"/> Vision          | <input type="checkbox"/> Emergency   |
|   |  | <input type="checkbox"/> Tests       |

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

☐ Yes ☐ No Comments: \_\_\_\_\_If no, would student have missed all day due to office location, etc.? ☐ Yes ☐ NoWill student need to be absent more than one (1) day? ☐ Yes ☐ No

If yes, how long? \_\_\_\_\_

**If student is to be absent five or more consecutive days, please complete a homebound application.**This student may return to school on \_\_\_\_\_  
Date

Health Care Provider Name \_\_\_\_\_

Address \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

\_\_\_\_\_  
Signature of Health Care  
Provider/Physician/ARNP\_\_\_\_\_  
Date

Review/Revised: 5/18/09

# **BEHAVIOR CHART FOR VIOLATIONS OF STUDENTS MISCONDUCT**

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

This chart has been developed to indicate possible consequences for each specific offense.

Henderson County Schools prohibits corporal punishment.

**BULLYING/HAZING**

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

**Actions Not Tolerated**

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

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

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

**Bullying Defined**

Bullying 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.<sup>2</sup>

**Reports**

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

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are



(Continued)

**Bullying/Hazing****Reports (continued)**

not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party.

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

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

In certain cases, employees must do the following:

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

**Other Claims**

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

**References:**

<sup>1</sup>[KRS 158.150](#); <sup>2</sup>[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: 7/18/2016

Order #: 5

## **CODE I - Bullying**

### **BULLYING**

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

Strikes, shoves, kicks, or otherwise subjects him/her to physical contact; or

Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or

In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or Follows a person in or about a public place or places; or

Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or

Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:

Damages or commits a theft of the property of another student; substantially disrupts the operation of the school; or creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

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

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

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

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

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

The Principal shall provide the following:

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

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

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

MORE

**BULLYING**  
**(CONTINUED)**

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

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

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

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

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

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

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

**BULLYING**  
**(CONTINUED)**

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 bullying/ harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

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

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

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

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

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

## **CONTAGIOUS DISEASES AND PARASITES**

### **NOTIFICATION**

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

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

### **INFECTION CONTROL**

If any student is known or suspected to have or be infected with a communicable disease or condition for which a reasonable probability for transmission exists in a school setting, the Superintendent may order the student excluded from school. The time period the student is excluded from school shall be in accordance with generally accepted medical standards which the Superintendent shall obtain from consultation with the student's physician, the local health officer<sup>1</sup>, or the Kentucky Department for Public Health.

### **EPIDEMICS**

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

### **SCHOOL TO REPORT**

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

### **MEDICAL CONFIDENTIALITY**

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

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

### **CLEANUP PROCEDURES**

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

### **REFERENCES:**

<sup>1</sup>[KRS 158.160](#)

<sup>2</sup>[704 KAR 004:020](#); [902 KAR 002:020](#)

Kentucky Department for Public Health; Center for Disease Control

[KRS 214.185](#)

Adopted/Amended: 07/15/2002  
Order #4

**DISRUPTING THE EDUCATIONAL PROCESS**

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

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

Repetition of student misconduct may result in a disciplinary hearing. A disciplinary hearing will be conducted by the Superintendent or designee. Attendees will include the Superintendent or designee, school administration, other school personnel who have specific information about the student, parent and/or guardian, and student.

Disciplinary hearing consequences may include: referral for expulsion, referral to alternative programs, including Central Academy Day Program and/or the District Performance Based Program.

**Other Claims**

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

**References:**

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

**Related Policies:**

09.13; 09.422; 09.431; 09.42811; 09.438

Adopted/Amended: 8/17/2015

Order #: 24

### **DISRUPTION OF SCHOOL**

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

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

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

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

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

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

## **RELATED SCHOOL VIOLATIONS**

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

### **CODE X**

#### **GANG RELATED/BIAS RELATED APPAREL, SIGNS, SYMBOLS**

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

### **CODE XI**

#### **RIOTS AND ACTS OF VIOLENCE**

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

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

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

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



## CODE XII

### **THEFT, DAMAGE, OR DESTRUCTION OF SCHOOL PROPERTY**

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

## CODE XIII

### **THEFT, DAMAGE, OR DESTRUCTION OF PRIVATE PROPERTY**

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

**DRESS AND APPEARANCE**

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

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

1. Clothing designed to fit at the waist shall be worn at normal waist level (no sagging or exposing undergarments).
2. Extremely tight, form-fitting or baggy clothing is prohibited.
3. Shorts, skorts, and skirts that are of finger tip length may be worn by primary school students (P-3).
4. For students in grades 4-12, shorts, skorts, and skirts must be a minimum of knee length.
5. Clothing, jewelry, buttons, and other forms of ornamentation (including those containing slogans, endorsements or commentary) are permissible except when they make distracting noises, express violence, are obscene or suggest obscenity, suggest racial bias, nudity, advertise alcohol, drugs, or tobacco products illegal items, or suggest promotion or identification of gangs.
6. All students shall wear shoes to school. House shoes are not permitted.
7. No hats, caps, bandannas, head coverings, or sunglasses will be worn inside the school building, unless for religious or medical purposes.
8. Heavy coats and/or long outerwear will not be worn inside the school building. Unless the Principal/designee grants an exception for a heating emergency, all heavy coats and/or long outerwear must be kept in the student's locker or stored in the designated area in each classroom.
9. Halter tops, spaghetti straps, muscle shirts, cut-off T-shirts, off-the-shoulder garments, see-through or mesh type garments, or any tops that expose cleavage or the midriff are prohibited.
10. No undergarments shall be worn as outerwear. No pajamas or articles of clothing that are torn or cut shall be worn.

**(Continued)****DRESS AND APPEARANCE**

11. Students in grades 6-8 will be allowed to bring backpacks/book bags to school. All such bags must be kept in the student's locker during the regular school day and may not be taken to class, unless it is a clear or mesh bag approved by the Principal/designee.
12. Body or tongue piercing, other than ears, or unnatural hair color including but not limited to blue, green, red, and orange are prohibited for all students in grades P-8.
13. Visible tattoos are prohibited for students in grades P-8.
14. Visible tattoos are permissible in grades 9-12 with the exception of any gang or bias related sign or symbol which reasonably appears to offend, victimize, or intimidate another based on race, color, religion, sex or national origin, and/or which disrupts or interferes with the educational setting and/or process.
15. No costumes are allowed unless it is a school-wide activity approved by the Principal.
16. School uniforms will be worn at North Middle School and South Middle School. Students attending The Central Academy will follow the students' school of origin dress code policy.

## References:

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

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

[KRS 160.345](#), [OAG 73-233](#), [OAG 73-284](#)

## Related Policy:

09.434

Adopted/Amended: 7/20/2015

Order #: 4

**DRIVER'S LICENSE REVOCATION**

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

**Academic and Attendance Deficiencies**

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

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

**Reinstatement of Driving Privilege**

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

**References:**

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

**Related Policies:**

08.221

09.123

Adopted/Amended: 7/17/2017

Order #: 6

**DUE PROCESS****Right to Due Process**

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

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

**Students With Disabilities**

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

**References:**

<sup>1</sup>[KRS 158.150](#)

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

**Related Policies:**

09.43

09.433

09.434

Adopted/Amended: 8/17/2015

Order #: 24

**EMPLOYEE REPORTS OF CRIMINAL ACTIVITY**

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

**KRS 158.154**

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

**KRS 158.155**

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

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

**KRS 158.156**

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

**KRS 209A.100**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

(Continued)

**Employee Reports of Criminal Activity****KRS 209A.110**

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with who s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

**KRS 620.030**

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

**References:**[KRS 158.154](#)[KRS 158.155](#)[KRS 158.156](#)[KRS 209A.100](#)[KRS 209A.110](#)[New Section of KRS 508](#)[KRS 525.070](#); [KRS 525.080](#)[KRS 527.070](#); [KRS 527.080](#)[KRS 620.030](#)**Related Policies:**

03.13251; 03.23251

03.13253; 03.23253

05.48

09.227

09.422

09.423

09.425

09.426

09.438

Adopted/Amended: 7/20/2020

Order #: 13

## **EXPULSION**

### **BOARD MAY EXPEL**

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

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

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

### **HEARING AND RECORDS REQUIRED**

Action to expel a pupil shall not be taken until the parent of the pupil has had an opportunity for a hearing before the Board.<sup>1</sup>

The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.<sup>3</sup>

### **BOARD DECISION FINAL**

The Board's decision shall be final.<sup>1</sup>

### **STUDENTS WITH DISABILITIES**

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

### **TRANSFER OF RECORDS**

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

#### REFERENCES:

<sup>1</sup>[KRS 158.150](#)

<sup>2</sup>[KRS 158.155](#)

<sup>3</sup>Individuals with Disabilities Education Improvement Act of 2004; 707 Chapter 1

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

#### RELATED POLICIES:

09.12, 09.423; 09.425; 09.43; 09.431; 09.434

Adopted/Amended: 07/24/2006  
Order #2



**FAMILY EDUCATION RIGHTS AND PRIVACY ACT DEFINITIONS**

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

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

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

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

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

1. Student's name;
2. Name of the student's parent or other family member;
3. Address of the student or student's family;
4. Any personal identifier, such as the student's social security or student number; or
5. Personal characteristics that would make the student's identity easily traceable, including biometric records (measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); or
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

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

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

**ATTENDANCE** - District “attendance” includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom; and the period during which a person is working under a work-study program.

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

**EDUCATION PROGRAM** - Programs principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education and adult education, and any program that is administered by an educational agency or institution.

**EARLY CHILDHOOD EDUCATION PROGRAM** - A Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six (6) that addresses the children's cognitive, social, emotional and physical development and is a (a) state prekindergarten program; (b) a program authorized under the Individuals with Disabilities Education Act; or (c) a program operated by a local education agency.

**REFERENCES:** 34 CFR Part 99, 20 U.S.C. 1232g; P. L. 107-110 (No Child Left Behind Act of 2001) Review/Revised: 6/20/16

**NOTIFICATION OF FERPA RIGHTS**

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

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

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

2. ***The right to inspect and review logs documenting disclosures of the student’s education records.***

Except for disclosure to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to the parent or eligible student, FERPA regulations require the District to record the disclosure.

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

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

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

4. ***The right to provide written consent prior to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.***

Exceptions that permit disclosure without consent include:

- a. Disclosure to school officials with legitimate educational interests. A “school official” is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a volunteer, or an outside person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

(Continued)

**Notification of FERPA Rights**

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

This may include contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions.

b. Upon request, disclosure of education records without parent/eligible student notice or consent to officials of another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled or to other entities authorized by law so long as the disclosure is for purposes related to the student's enrollment or transfer.

c. Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.

d. Disclosure to state and local educational authorities and accrediting organizations, subject to requirements of FERPA regulations.

Designated Kentucky State agencies may be permitted access to student record information, which will depend on the authority granted to their particular agency.

5. ***The right to notify the District in writing to withhold information the Board has designated as directory information as listed in the annual directory information notice the District provides to parents/eligible students.***

To exercise this right, parents/eligible students shall notify the District by the deadline designated by the District.

6. ***The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U. S. Armed Forces and its service academies, the Kentucky Air National Guard, the Kentucky Army National Guard and institutions of higher education.***

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

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

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

Review/Revised: 6/20/2016

**NOTIFICATION OF PPRA RIGHTS**

Distribute this notice annually to parents and students.

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

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

The District shall annually provide parents and eligible students notice of these rights under law in the Student Handbook, the

District Student Code of Conduct Handbook, or other avenue designated by the Superintendent/designee.

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

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

Review/Revised: 10/22/07

**GRIEVANCES**

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

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

**EXCEPTION**

Federal law requires the District to implement separate and specific processes for responding to complaints/grievances about Title I programs and to those alleging discrimination in the delivery of benefits or services in the District's school nutrition program.

**RELATED POLICIES:**

07.1

08.13451

09.42811

10.2

Adopted/Amended: 08/16/2010

## **Harassment/Discrimination**

### **DEFINITION**

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

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

### **PROHIBITION**

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

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

### **DISCIPLINARY ACTION**

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

### **GUIDELINES**

Students who believe they 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 provide for the following:

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

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

2. A process to identify and implement, within ten (10) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:

(Continued)  
**Harassment/Discrimination**

- written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
- such other measures as determined by the Superintendent/designee.

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

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

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

**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.<sup>1</sup>

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

(Continued)  
**Harassment/Discrimination**

**CONFIDENTIALITY**

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

**APPEAL**

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

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

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

**RETALIATION PROHIBITED**

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

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

**FALSE COMPLAINTS**

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

**OTHER CLAIMS**

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

**REFERENCES:**

<sup>1</sup>KRS 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)

U. S. Supreme Court - Franklin vs. Gwinnett County

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)

Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights

Regulations Implementing Title IX

Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)

Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)



**(Continued)**  
**Harassment/Discrimination**

**RELATED POLICIES:**

03.162; 03.262

09.13; 09.2211; 09.227; 09.422; 09.426; 09.438

Adopted/Amended: \_\_\_\_\_

Order #: \_\_\_\_

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

Principals and school personnel shall adhere to the following guidelines:

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

Review/Revised: 6/25/2018

**LASER POINTERS PROHIBITED**

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

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

## **MIGRANT STUDENT INFORMATION**

The District shall provide educational and related services to Migrant students identified by the local Migrant Education Program under the guidelines of the Kentucky Migrant Education Program.

1. These students shall have services that address their special needs in a coordinated and efficient manner.
2. These students will receive ESL services if needed.
3. The local Migrant Education staff will design programs to help students and families over-come educational disruption, cultural language barriers and health issues.

## **HOMELESS CHILDREN AND YOUTH**

The District shall provide educational and related services to homeless children and youth in a manner that does not segregate or stigmatize on the basis of their homeless status (by following the guidelines of the McKinney Vento Homeless Assistance ACT).

## **IMMIGRANT AND REFUGEE STUDENTS**

1. These students can attend regular public schools. They shall receive transportation, ESL if needed, and if they qualify – the McKinney Vento services.

## CODE VIII

### **PHYSICAL OR VERBAL ASSAULT OR ABUSE**

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

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

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

## **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.

### **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 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).

(Continued)

**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 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.)

**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; and
3. A process for the parent 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 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 cannot be reached during that time frame, a written communication shall be mailed via U. S. mail.

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.

(Continued)

**PHYSICAL RESTRAINT AND SECLUSION****DEBRIEFING SESSION**

If the parent or emancipated student requests a debriefing session following use or parental notification of the use of physical restraint or seclusion, individuals who are to participate shall be those specified by state 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 or emancipated youth, unless a meeting is delayed by written mutual agreement of the parent/emancipated student and the school.

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

**PARENT COMPLAINTS**

Parents 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.

**STATEMENTS 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.

**REFERENCES:**

[704 KAR 007:160](#)

KRS Chapter 503: [KRS 503.050](#), [KRS 503.070](#), [KRS 503.080](#), [KRS 503.110](#)

Individuals with Disabilities Education Improvement Act of 2004

Section 504 of Rehabilitation Act of 1973

**RELATED POLICIES:**

09.4281, 10.2

Adopted/Amended: 04/16/2013

Order #100



**POLICE OFFICERS IN THE SCHOOLS**

School officials shall cooperate with law enforcement agencies in cases involving students (i.e., serving of subpoenas, juvenile petitions or warrants, or taking students into custody.) As soon as possible, officials shall endeavor to notify the parents of students who are arrested.<sup>1</sup>

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

**Crimes Off School Property**

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

1. Parents/guardians shall be notified by school officials as soon as possible.
2. If the parent/guardian is present or consents to permit the officer(s) to interview the student, a private place for the interview shall be provided.
3. If the parent(s) cannot come to the school and do not consent to the interview, the police should be advised to either bring a warrant, court order, or juvenile petition or arrange to interview the student off the school grounds.
4. If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent<sup>2</sup> and shall provide the cabinet access to a child subject to an investigation without parental consent.<sup>3</sup>

**Crimes On School Property**

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

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

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

**References:**

<sup>1</sup>[OAG 76-129](#)

<sup>2</sup>[OAG 85-134](#), [OAG 92-138](#)

<sup>3</sup>[KRS 620.072](#)

**Related Policy:**

09.227

Adopted/Amended: 7/17/2017

Order #: 6

**RELEASE OF STUDENTS TO DIVORCED, SEPARATED, OR SINGLE PARENTS**

The Board shall release the student to either parent, guardian, or legal custodian unless the school has been informed and provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding document which provides instruction to the contrary.

**REFERENCES:**

20 U.S.C. 1232g, 34 C.F.R. 99.1 – 99.67  
OAG 85-130, OAG 90-52

**RELATED POLICIES:**

01.0  
09.1231  
09.14

Adopted/Amended: 07/18/2016  
Order #: 5

**SCHOOL BUS CONDUCT****PUPILS' RESPONSIBILITIES**

Pupils shall conform to transportation rules and regulations prescribed under state statutes<sup>1</sup> and under state and local regulations.

**INSTRUCTION IN BUS CONDUCT AND SAFETY**

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

**PUPILS TO WAIT AT ASSIGNED STOP**

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

**CROSSING ON DRIVER'S SIGNAL**

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

**CROSSING IN DRIVER'S VISION**

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

**SEATING**

When pupils enter the bus, they shall proceed directly to a seat. Drivers will reserve the right to assign seats, as needed.

**SEATED UNTIL COMPLETE STOP**

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

**BODY NOT TO PROTRUDE FROM WINDOW**

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

**CHANGING SEATS**

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

**PUPIL NOISE**

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

**REFERENCES:**

<sup>1</sup>[KRS 156.160](#), [KRS 156.070](#), [KRS 189.540](#), [KRS 160.340](#), [KRS 160.290](#)

**RELATED POLICIES:**

06.34 (bus disciplinary policy)

Adopted/Amended: 8/9/1988

Order #: 34

## CODE VII

### **SCHOOL BUS REGULATIONS**

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

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

- Pupils shall ride their assigned bus and no other bus unless they have a signed parent note and principal permission.
- Be on time to the bus stop. The bus cannot wait beyond its regular schedule for those who are tardy.
- Always cross in front of the bus at a safe distance in order to be seen by the bus driver (minimum 10-12 feet). Cross only on driver's signal.
- Do not run toward or across the street in front of a school bus while it is in motion.
- Never stand in the road while waiting for the bus. Wait in an orderly manner off highway or street.
- Pupils shall board the bus and immediately take a seat without disturbing other passengers. Pupils should sit three in a seat and should not exchange seats unless given permission by the driver. If all seats are taken, they should stand to the rear of the bus and not in the doorway.
- Pupils shall not try to get on or off the bus or move about within the bus while it is in motion.
- Pupils shall not engage in any activity which might damage or cause excessive wear to the bus or other property.

Report promptly to the driver any damage done to the bus.

- No persons other than those assigned to the bus shall be allowed to ride a school bus.
- The following activities are prohibited at all times:

1. Extending any part of the body out of the bus windows or doors
2. Loud talking or laughing
3. Unnecessary confusion
4. Unnecessary conversation with the driver
5. Improper behavior including; insolence, disobedience, vulgarity, foul language, fighting, pushing, shoving, and similar offensive acts
6. Smoking on the bus/using or possessing electronic cigarettes
7. Eating or drinking on the bus
8. Possessing knives or sharp objects
9. Blankets or pillows
10. Throwing articles or objects in or from the bus
11. Tampering with mechanical equipment, accessories or controls of the bus
12. Placing musical instruments or other articles at the door by the driver
13. Obstructing the aisle in any manner
14. Possessing inflated balloons and /or floral arrangements in glass containers
15. Occupying more space in a seat than required
16. Littering the bus
17. Opening or closing windows without permission of driver
18. Possessing operable or ceremonial fireworks, firearms or weapons
19. Live animals, fowls, reptiles, or any preserved specimen
20. Articles made of glass, such as bottles, jars, etc.

(Continued from previous page)  
**SCHOOL BUS REGULATIONS**

21. Striking matches or using lighters
  22. Spraying others with water or other liquids
  23. Use of radios, CD players, DVD players, MP3 players, Ipods, cell phones, etc.
  24. Improper dress or not meeting the school dress code. ~~MASK will be worn.~~ Follow district policy.
- Students are allowed to bring band instruments under the following conditions:
    1. The student must sit in the front seating area of the bus.
    2. The student must sit next to an outside window on the bus.
    3. The student must be able to hold the band instrument in his/her lap or place the instrument on the floor between himself/herself and the outside wall of the bus.
  - The following may NOT be transported on a regular bus route: tuba, baritone, cello, French horn, string bass, drums, guitar, flags, color guard rifles
  - All students are subject to disciplinary action similar to that of like offenses committed on the school grounds. The administrator, however, has the option to suspend students off the bus in accordance with the following regulations:

Smoking, possession, or use of tobacco, fighting with intent to harm, vandalism (damaging bus, such as cutting seats, breaking windows, etc., disrespect /defiance towards driver:

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

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

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

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

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

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

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

**SEARCH AND SEIZURE****Reasonable Suspicion**

No pupil's outer clothing, pockets, or his or her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there are reasonable grounds to believe the search will reveal evidence that the pupil has violated or is violating either a school rule or the law.<sup>1</sup> Search of a pupil's person shall be conducted only with the express authority of the Principal/designee. However, nothing herein will preclude a student from being subjected to a fixed or handheld electronic screening detector. An affirmative signal or response from a detector will serve as reasonable suspicion for a more intrusive search.

**Authorized Personnel**

Searches of a pupil's person or his or her personal effects shall only be conducted by a certified person directly responsible for the conduct of the pupil, the Assistant Principal, or the Principal/designee of the school which the student attends. However, when an immediate threat to the health or safety of others occurs off site with no certified employee reasonably available, a non-certified person (i.e., bus driver or coach/sponsor) that is responsible for the students is authorized to conduct the search of a student or his/her personal effects. If possible, a witness shall be present during the search. 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 a pupil's person is conducted, the person conducting the search shall be the same sex as the pupil; and a witness of the same sex as the pupil shall be present during the search. In addition, no search of a pupil shall be conducted in the presence of other students. These restrictions shall not apply to situations involving an imminent threat to the health and safety of 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. The phrase "strip search" means requiring a student to remove any article of clothing, or requiring a student to lift or lower an article of clothing, thereby causing the exposure of undergarments to allow for a visual inspection. The required removal of shoes, socks, or a hat or the removal or arrangement of outerwear does not constitute a strip search.

**Failure to Cooperate**

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

**Regular Inspection**

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

(CONTINUED)  
**SEARCH AND SEIZURE**

**Illegal Items**

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

**Trained Dogs**

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

1. The Principal or Principal's designee shall be present.
2. The dogs may be used for blanket sweeps of lockers and other areas identified by the Superintendent or Principal. The dogs may also be used for individualized sniffs of lockers when a school official has reasonable suspicion that the particular locker contains contraband.
3. Sweeps involving dogs shall be conducted only when students are not in the immediate area being searched (i.e. students shall be in classrooms or other designated safe areas) No student or other unauthorized individuals shall be in the vicinity of lockers or other sites being swept.
4. All dogs shall be on a leash or in the immediate control of the handler and shall not be allowed to come in close proximity to any student or unauthorized individual.
5. The alert of a trained dog to an item or area shall qualify as reasonable grounds on which to base a further search.
6. The results of all searches by a trained dog to locate contraband on school grounds shall be immediately reported to the Superintendent, Principal and other appropriate officials once the search has concluded.

**Use of Metal Detectors**

School administrators are authorized to use stationary or mobile metal detectors (i.e., electronic wands). Metal detectors may be used in the following circumstances:

1. To search an individual student or his/her personal belongings when there is reasonable suspicion to believe the specific student is concealing a weapon;
2. To search all students or their personal belongings upon entering the premises; or
3. To search students or their personal belongings on a random basis, provided adequate procedures are adopted and followed to ensure a random selection process.

Procedures setting guidelines for the use of metal detectors shall be developed and presented to the Board for review. All procedures for the use of metal detectors shall conform to applicable legal standards.<sup>2</sup> Parents/guardians and students shall be notified that metal detectors may be used and the circumstances for their use.

(CONTINUED)  
**SEARCH AND SEIZURE**

**Other Disruptive Items**

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

**Disposition of Items**

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

**School Law Enforcement Officers**

This policy has no application to searches by law enforcement officers since these persons are police officers with the power to investigate crime committed on school property and to arrest for same. The law of search and seizure, applicable to police officers generally, governs the extent of their authority to conduct searches of pupils and to seize contraband which might be revealed by such searches.

**References:**

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

<sup>2</sup>OAG 94-58

KRS 161.180; KRS 531.335

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

**Related Policy:**

09.4261

Adopted/Amended: 4/16/2018

Order #: 228



# **STOP TIPLINE**

**Kentucky Center for School Safety** is proud to provide an email tipline to all Kentucky schools.

The **S**afety **T**ipline, **O**nline **P**revention or **S.T.O.P** Tipline is designed for use as an "online" reporting/prevention tool. If students, parents or community members know of an unsafe situation in school (bullying, weapons, drugs or alcohol, etc.), they can anonymously pass on that information to school personnel by using this basic email format.

## **Brief Overview**

### **What is it?**

This tipline in no way replaces the face to face open communication and relationships built at our schools. The STOP tipline is just one more tool available for use by students or parents to communicate unsafe situations at school.

- One unique attribute of an "online" tipline is its availability. A student, parent or community member can submit information day or night.
- Also, many students may feel more comfortable emailing about a situation (instead of a face to face meeting with school officials).
- The main purpose of the tipline is to add another layer of accessibility between students and trusted school personnel.

This tipline is not for immediate response. If anyone needs immediate assistance, they should dial 911.

### **How does it work?**

Students or Parents

Click logo on school's webpage

- Choose whether you want to submit a tip about 1) bullying, 2) violence or 3) other risky behaviors (i.e. alcohol, drugs, self-harm, sexual abuse or theft, etc...)
- Fill-in the check boxes and explain
- Click submit

## CODE IV

### **SUBSTANCE ABUSE**

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

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

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

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

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

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

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

(CONTINUED)  
**SUBSTANCE ABUSE**

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

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

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

## **SUSPENSION OR EXPULSION OF STUDENTS**

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

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

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

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

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

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

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

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

**SUSPENSION****WHO MAY SUSPEND**

In accordance with [KRS 158.150](#), the Principal or assistant Principal may suspend a pupil up to a maximum of five (5) days per incident. Principal may add additional consequences (in-house suspension, Saturday school) based on the degree of the offense.

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

**Length of Suspension**

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

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

**Prior Due Process Required**

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

**Imminent Danger**

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

**Written Report Required**

The Principal or assistant Principal shall report any suspension in writing<sup>1</sup> immediately to the Superintendent and to the parent of the pupil being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement. One such condition shall be that one or both parents/guardians shall confer with school officials prior to the termination of the student's suspension.

**Students with Disabilities**

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

**References:**

<sup>1</sup>[KRS 158.150](#)

<sup>2</sup>20 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](#); [707 KAR 001:340](#)

[Goss v. Lopez](#), 419 US 565 (1975)

**Related Policies:**

09.43, 09.431

Adopted/Amended: 7/20/2015

Order #: 4

## **TELECOMMUNICATION DEVICES**

### **TELECOMMUNICATIONS DEVICES DEFINED**

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

### **POSSESSION AND USE**

Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that:

- a. Poses a threat to academic integrity, such as cheating;
- b. Violates confidentiality or privacy rights of another individual. This includes, but is not limited to, taking photographs, video, or audio recordings of others without the permission of the Principal/designee and the affected individual(s). An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena;
- c. Is profane, indecent, or obscene;
- d. Constitutes or promotes illegal activity or activity in violation of school rules; or
- e. Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.

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

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

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

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

### **ELEMENTARY SCHOOL**

A student in the Henderson County Schools, grades P-5, shall not use/display a telecommunications device while on school property during the regular school day unless the Principal/designee has granted permission.

**Telecommunication Devices****MIDDLE SCHOOL**

A student in Henderson County Schools, grades 6 – 8, may use telecommunications devices during non-instructional times as defined by school policy, at the direction of instructional staff, and in compliance with the Responsible Use Policy.

**HIGH SCHOOL**

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

Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned on and operated only at the direction of instructional staff and in compliance with the Responsible Use Policy

**CONSEQUENCES**

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

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

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

Note: Telecommunication devices confiscated on a Friday may be picked up on Monday by a parent or guardian. Parents or guardians will need to contact the Principal to make arrangements if the telecommunication device is confiscated before holidays or breaks.

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

**NOTICE OF POLICY**

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

**REFERENCES:**

KRS 158.165; KRS 525.080

**RELATED POLICIES:**

08.2323

09.426, 09.436, 09.438

Adopted/Amended: 7/16/2018

Order #: 6

## **TERRORISTIC THREATENING**

KRS 508.078 Terroristic threatening in the second degree.

(1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:

(a) With respect to a school function, threatens to commit any act likely to result in death or serious physical injury to any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons or at a school does not need to identify a specific person or persons or school in order for a violation of this section to occur;

(b) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or

(c) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.

(2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.

(3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(4) Terroristic threatening in the second degree is a Class D felony.

Effective: June 21, 2001

History: Created 2001 Ky. Acts ch. 113, sec. 2, effective June 21, 2001.



## **Assault and Threats of Violence**

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

### **PUPILS**

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

Students may also be subject to prosecution or juvenile justice interventions for assault, threats, or other abusive conduct.

The Principal shall provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provision of KRS 508.078 and potential penalties under KRS 532.060 and KRS 534.030.<sup>2</sup>

### **SCHOOL PERSONNEL**

Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action<sup>1</sup> up to and including expulsion from school and/or legal action.

### **REMOVAL OF STUDENTS**

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

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

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

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

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

**(Continued)**

**Assault and Threats of Violence**

**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.

**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust.

If individual school personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to school personnel in print form or on the web by the primary domestic violence, shelter, and advocacy service provider designated by the Cabinet for Health and Family Services to serve the school District's area.

**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.

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 official who has knowledge of the student's behavior prior to the assignment or contact.

(Continued)

**Assault and Threats of Violence**

**REFERENCES:**

<sup>1</sup>KRS 158.150  
<sup>2</sup>New Section of KRS 158  
KRS 158.154; KRS 160.290  
KRS 161.155; KRS 161.190; KRS 161.195  
KRS 209A:020; KRS 209.160  
KRS 209A.100; KRS 209A.110; KRS 209A.130  
KRS 211.160; KRS 403.720; KRS 456.010  
KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080  
KRS 532.060; KRS 534.030; KRS 620.030  
702 KAR 5:080

**RELATED POLICIES:**

03.123; 03.13253; 03.223; 03.23253; 05.4  
06.34; 09.14; 09.2211; 09.422; 09.429

Adopted/Amended: 7/15/2019  
Order #: 273

**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 local code of acceptable behavior and discipline.

**REFERENCES:**

KRS 160.290; KRS 160.340; KRS 161.180  
KRS 438.050; KRS 438.305; KRS 438.350; New Section of KRS 438  
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

## **VIDEO**

Please be advised that in many locations of the District, camera/video surveillance is used on school properties inside and outside of school buildings and on school busses.

## **WEAPONS**

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

### **WEAPONS PROHIBITED**

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

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

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

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

Exceptions:

- Each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.<sup>2</sup>
- 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 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.<sup>1</sup>

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.

**(Continued)****Weapons****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.<sup>1</sup>

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

**STATE REPORTING REQUIREMENTS**

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

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

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

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

**ENFORCEMENT**

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

(Continued)

Weapons

**REFERENCES:**

<sup>1</sup>KRS 527.070; KRS 158.150; 20 U.S.C. §7141 (Gun-Free Schools Act)  
<sup>2</sup>KRS 158.4414  
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 237.138 to KRS 237.142  
KRS 500.080; KRS 508.075; KRS 508.078; KRS 527:020  
20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)  
Section 504 of the Rehabilitation Act of 1973, as amended

**RELATED POLICIES:**

09.435; 09.436; 09.4361

Adopted/Amended: 7/20/2020  
Order #: 13