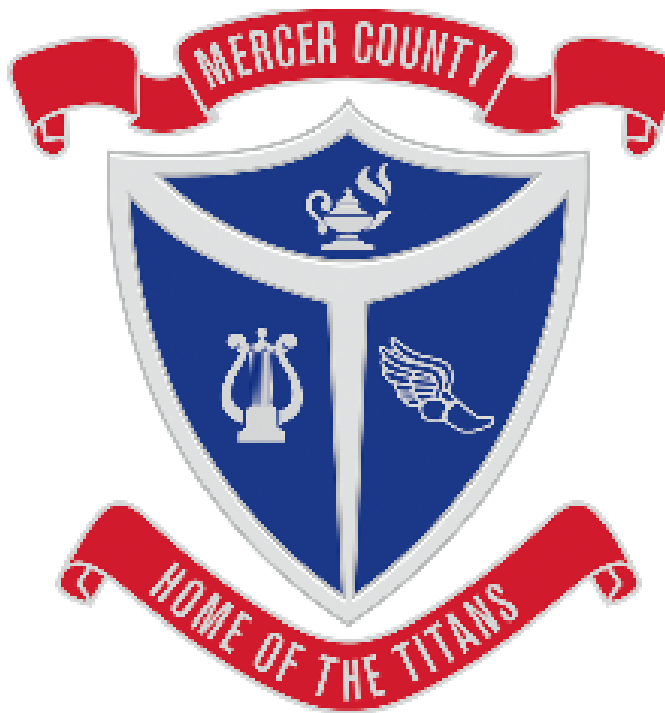


Mercer County School District

Code of Acceptable Behavior and Discipline



Building Traditions through Excellence

Mission: To prepare students to excel in a global society by providing a rigorous education in academics, arts, and extracurricular opportunities

Beliefs:

Every student deserves a high-quality education in a safe learning environment.

All students can be successful as contributing members of society.

School, community, and family collaboration is essential for successful learning.

Communication, creativity, and critical thinking are essential for future success.

The district fosters a culture of unity to empower and inspire students and staff.

The Mercer County School Board may adopt changes to this Code throughout the year as necessary. The Mercer County School District Code of Acceptable Behavior and Discipline is available online on the District Website www.mercer.kyschools.us. If you do not have access to the District Website please request a copy from your child's school.

IMPORTANT: Parents/Guardians and Students: Once you have read this Code of Acceptable Behavior and Discipline, there are forms at the end of the document that must be completed, signed, and returned to your child's homeroom teacher. If you complete online registration, you will acknowledge that you have read this online.

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INTRODUCTION

*** There may be health and safety processes and procedures not specifically addressed in this Code. When implemented, this plan will be found on the Mercer County Pandemic Plan and posted on the district webpage: www.mercer.kyschools.us.**

CAUTION: After this Code is distributed for the school year, changes to Board policy, including those affecting provisions of this Code, may be necessary due to new/revised statutes and regulations and case law. A complete copy of the Mercer County School Board Policy Manual is available online for inspection.

The Mercer County Board of Education believes a safe school is a place where students can learn and teachers can teach in a warm and welcoming environment free of intimidation and fear. With this code, a setting can be maintained where the educational climate fosters a spirit of acceptance and care for every child, and where behavior expectations are communicated, consistently enforced, and fairly applied.

The Mercer County Board of Education requires high standards of personal conduct from each student to promote respect for the rights of others and to accomplish the purposes of the schools. The Board also requires compliance with established standards and rules of the district and the community, state, and national laws.

The central purpose of the school system is to educate each student to the highest level possible. To support the success of the educational program, the Board directs employees to hold each student accountable to Code standards in a fair manner. Compliance with the standards is necessary to provide:

- Orderly operation of the schools,
- A safe environment for students, district employees, and visitors to the schools,
- Opportunities for students to achieve at a high academic level in a productive learning environment,
- Assistance for students at risk of failure or of engaging in disruptive behavior,
- Regular attendance of students, and
- Protection of property

This Code applies to all students in the district while at school (in-person or online), on their way to and from school, while on the bus or other district vehicle, and while they are participating in school-sponsored trips and activities.

Consequences in this Code may apply to students who are off school property if the incident is likely to substantially disrupt the educational process. The superintendent/designee is responsible for its implementation and application throughout the District. The Principal is responsible for the administration and implementation of this Code within his/her school in a uniform and fair manner without partiality or discrimination. Each school/council must select and implement appropriate discipline and classroom management techniques necessary to carry out this Code and shall provide a list of the school's rules and disciplinary procedures in the school handbook.

Teachers, and other instructional personnel, are responsible for administering Code standards in the classroom, halls, and other duty assignment locations.

This Code establishes minimum behavior standards. Recognizing that each school, grade, or class may require special provisions, school councils, administrators, and teachers have full authority to make rules to enforce these standards in keeping with their areas of responsibility.

STATEMENT OF NONDISCRIMINATION

The Board of Education does not discriminate based on age, color, disability, parental status, marital status, race, national origin, religion, sex, genetic information, or veteran status in the programs, activities, and services it provides, as required by law. Individuals who have questions concerning compliance with this requirement should contact the Mercer County School District Central Office. *This Code is part of the Mercer County School Board policy on student behavior and discipline.*

The Board has included samples of prohibited behaviors to help the reader understand how the behavior standard will be enforced. Other behaviors not included in the examples may also be prohibited.

Appropriate Behavioral Education Plan:

Mercer County Public Schools is committed to providing quality education for all students. We believe it is important to create a community within our schools where students' needs are met, expectations are understood, guidance is given, and a safe and orderly environment is maintained. This Code has been developed to help share our expectations with students and their families. Additionally, each school's Site-Based Decision-Making council has adopted school-specific Discipline, Classroom Management, and School Safety Policies on these matters. Each school principal and school staff members are responsible for implementing these school council policies.

The Mercer County School District believes the greatest prevention tactic is to build relationships with parents and children from the beginning. We work to develop trusting relationships with families and this prevents a lot of trouble day to day that could erupt in more difficult situations along the way. We see the value in having close communication with families and working to share information among ourselves so that we stay up to date for potentially challenging situations. Keeping our trust level and communication open makes a huge difference in being able to meet needs and prevent unnecessary trauma.

Mercer County School District has implemented Positive Behavioral Intervention Systems (PBIS) to include a trauma-informed approach. PBIS is the behavior component of a Multi-Tiered System of Supports (MTSS) designed to achieve both social and academic success for all students. The framework of MTSS utilizes high-quality evidence-based instruction, intervention, and assessment practices to provide all students with the level of instruction and support to match their needs.

Each school has a team that implements this process in their buildings.

MTSS tiers of interventions:

- Tier 1 interventions refer to services all students receive in the form of academic and social-emotional behavioral instruction. Tier 1 provides school-wide and class-wide support and interventions available to all students to prevent problem behaviors, encourage prosocial behaviors, and address the unique academic, behavioral, and social-emotional needs of students in a particular school.
- Tier 2 interventions are provided for students who need more student-specific instruction and support. These services may be provided in small groups both in and out of the classroom. The purpose of Tier 2 instruction and support is to improve student performance and prevent further negative impacts on learning and social development.
- Tier 3 interventions provide intensive support that is matched to the specific needs of an individual student. These services may be provided individually or in small groups. The purpose of Tier 3 instruction is to help students overcome significant barriers to learning academic and/or behavior skills required for school success.

RIGHTS AND RESPONSIBILITIES:

As citizens of the United States of America, students may participate in activities that do not (1) materially or substantially disrupt the education process, (2) present a clear and present danger to the health and safety of others or property, or (3) infringe on the rights of others.

Specifically, students have the right to:

- An orderly educational atmosphere conducive to learning.
- Personal safety and security while at school and school-sponsored activities.
- Academic grades are based on academic performance, not on conduct.

Students have the responsibility to:

- Comply with district, school, and classroom rules and follow directions given by teachers and other school personnel.

- Immediately report student threats to harm others to a teacher, counselor, or school administrator.
- Give their best effort to tasks assigned by their teacher, coach, or other people who work with them.
- Behave safely at all times.
- Keep school doors closed and follow proper check-in procedures.
- Inform school personnel immediately if you become aware of threats, weapons/dangerous instruments on school property, or other safety concerns or violations of this Code.
- Know and follow all school and bus transportation rules and procedures.
- Attend school and classes regularly and on time.
- Do your best to participate and meet the requirements of each class.
- Earn credits or grades fairly without cheating or plagiarism.
- Take care to protect your belongings. * Lost or stolen personal items are the responsibility of the student or parent and are not covered by the school district's insurance.
- Respect personal or school property.
- Honor reasonable requests made by school district employees and student teachers.
- Behave in a way that does not create disruption, disorder, or infringe on the rights of others.

Bus Expectations while waiting to board/depart from the bus:

- Be on time for the bus stop. The driver cannot wait on you.
- Do not play or stand in the roadway. Stand away from the road when the bus approaches.
- Students fighting at the bus stop and/or on the way to and from school will be disciplined by the principal.
- Never run alongside the bus when the bus is moving
- Students must wait off the roadway until the bus stops and the driver opens the door and signs to enter the bus.
- Do Not Push or Shove.
- Keep all articles off the roadway and remain clear of traffic.
- Be respectful of personal property.

Bus Expectations on the bus:

- Follow the directions of the bus driver or monitor at all times.
- Sit in the seat assigned by the bus driver, if he or she assigns seats.
- Share seats as directed by the driver.
- Keep portions of your body and all other items inside the bus.
- Avoid creating any unsafe conditions, which could result in injury to you or others.
- Speak and behave respectfully toward students and adults at all times.
- Avoid bringing the following prohibited items onto the bus:
 - Tobacco products.
 - Weapons, explosives, or any dangerous articles.
 - Drugs, drug paraphernalia, or alcohol.
 - Animals of any kind.
 - Other items that might frighten other riders or distract the driver.

Exiting the bus:

- Leave the bus only at your designated bus stop, unless prior written permission is obtained from your principal (or their designee) and provided to the bus driver.
- Go to a point approximately 10 (ten) feet ahead of the bus and wait for the driver to signal you before crossing the road if you live on the opposite side of the road from the bus stop.
- Never cross behind a stopped school bus.

School-level Administrator Responsibilities: (Not a complete list; for additional information refer to the district website)

- Serve as chief administrator
- Participate in, supervise, and coordinate the planning, development, and operation of the total school.
- Provide general and specific supervision over the total school program and school-assigned personnel.

- Formulate an effective system for board review and approval, the policies, directives, and procedures to promote and improve instructional programs.
- Provide and disseminate such information that is needed to keep the Superintendent, the Mercer County Board of Education, the school staff, and the general public informed of progress and programs.
- Formulate and enforce rules of discipline. Involve students, staff, and the community in the formulation and review of such rules and regulations.
- Provide an orientation program for new teachers and staff assigned to his/her building.
- Plan and implement safety programs and hold regular drills on fire, tornado, and other hazards as required by law.
- Provide a system for the notification of parents concerning student discipline, health, or academic issues.
- Notify the **Mercer County School Police Department** when necessary to protect the safety, health, and welfare of students and staff.
- Comply with the Individuals with Disabilities Education Act (IDEA), Section 504, and applicable Kentucky procedural safeguards for the discipline of students with disabilities.
- Make reasonable efforts to meet with parents/guardians and consider their input.

Teacher Responsibilities (Not a complete list; for additional information refer to the district website)

- Prepare, present, and evaluate material designed for pupil learning experiences. The teacher shall develop, enforce, and interpret policies on student behavior for students, parents, and the community.
- Execute board and administrative policies within the classroom and at school-related activities.
- Keep various class attendance records, grade books, and other records to document student progress and attendance.
- Work with parents, principals... and others in helping pupils to learn and develop.
- Prepare lesson plans, objectives, and instructs pupils in various grades or specific subject areas.
- Uses various levels of materials and teaching techniques to instruct all levels of pupil ability and progress.
- Provide evaluations and referrals of students to the proper program for optimum learning.
- Provide for the safety, health, and general welfare of the student
- Watch for and report signs of child abuse and/or neglect.
- Refer students for guidance and/or counseling services when deemed necessary.
- Maintain discipline in the classroom, on school property, and at school events(on/off school property).
- Familiarize yourself with laws, directives, and system policies relating to teachers, students, curriculum, and school-related activities.
- Plan and implement "safety programs" and participate in regular drills required by law.
- Report potential safety hazards to appropriate personnel and/or immediate supervisor.
- Participate in the system for notification of parents concerning student discipline, health, or academic problems.
- Maintain a positive, professional attitude toward all students.
- Document the actions taken to address student misconduct.
- Use data to monitor and evaluate the progress and effectiveness of behavior management strategies.

School Counselor Responsibilities: (Not a complete list; for additional information see district webpage)

- Provide a service designed to aid students directly.
- Assist the teaching staff, parents, and the community.
- Assist in the identification of a student's intellectual, emotional, social, and physical characteristics.
- Assist students in the development of talents and interests.
- Identify available resources to meet student needs.
- Help students meet their social needs.

Parent/Guardian Responsibilities:

- Stress the importance of education and learning to your child.
- Make sure your child attends school on time every day.
- Keep the school aware of, and provide documentation of, any custody changes involving your child.
- Provide resources to help your child complete classwork and homework.
- Being involved with school activities.
- Keep in touch with the school about your child's progress.
- Communicate with school and district personnel civilly.
- Participate in parent/teacher conferences and other school-requested meetings regarding your child's behavior or academic performance.
- Cooperate with the school if disciplinary action is necessary.
- Notify the school when your child has any conditions or situations (e.g., medical problems, family issues, or social concerns) that could threaten the safety of your child, other children, or school personnel.
- Remain familiar with the Guide, the policies and regulations of the district, and school rules.

Duty to Report**Duty to Report Child Dependency, Neglect or Abuse:****Board Policy 09.227 KRS 620.030**

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected, or a victim of human trafficking, or is a victim of female genital mutilation, shall immediately make an oral report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.

After making the oral report, the employee shall then immediately notify the Principal of the suspected abuse, who then shall also promptly make a report to the proper authorities for investigation. If the Principal is suspected of child abuse, the employee shall notify the Superintendent/designee who shall also promptly report to the proper authorities for investigation.

Upon notification, the Principal or the Superintendent/designee shall facilitate the cooperation of the school with the investigation of the report. Any person who knowingly causes intimidation, retaliation, or obstruction in the investigation of the report shall be guilty of a Class A misdemeanor.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, the District shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require the District, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

Written Report: The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County's Attorney, or the Cabinet for Health and Family Services or its designated representative within forty-eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

Written Records: Copies of reports kept by the District that are submitted to authorities in compliance with the child abuse law are educational records and subject to inspection by the parents of the alleged victim of child abuse. Whether the records are considered "internal records", and not maintained with the students' "permanent records", is immaterial if such records are directly related to students and are maintained by the school or school District.

Duty to Report Certain Acts to Law Enforcement/School Districts:

KRS 158.154/ KRS 158.155

When Principals have a reasonable belief that certain violations have taken place, they are required by law to immediately report them to law enforcement officials. Violations on school property or at a school-sponsored function requiring a report to law enforcement officials include:

- 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 weapon or dangerous instrument (Including look-a-like)
- Possession of a controlled substance in violation of the law
- Damage to school property
- In addition to violations of this Code, students may also be charged with criminal violations

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 (Assault-Wanton Endangerment-Terroristic Threatening, Criminal Abuse, etc.) 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.

REQUIRED STANDARDS

The Board expects employees, students, parents/ guardians, and others associated with the schools to apply the following standards reasonably and fairly:

To promote the full implementation of conduct standards and maximize safety in the school environment, the Board requires ***all*** employees to make **supervision of *all* students at *all*** school activities a top priority among their assigned duties. (The younger the child, the greater the need for adult guidance and protection)

Supervision of student conduct: (KRS 161.180): Each teacher and administrator in the public schools shall in accordance with the rules, regulations, and bylaws of the Board of Education made and adopted pursuant to KRS 160.290 for the conduct of pupils, hold pupils to a strict account for their conduct on school premises on the way to and from school and school-sponsored trips and activities.

- Students will be under the supervision of a qualified adult.
- Each teacher and administrator shall hold pupils to a strict account for their conduct on school premises (in person and while participating in online/virtual instruction), on the way to and from school, and on school-sponsored trips and activities, except that a non-faculty coach or non-faculty assistant may accompany students on athletic trips as provided in the statute.

Supervision Responsibility:

Principals shall develop and implement a plan of supervision for their schools to address the following areas:

1. Bus loading and unloading;
2. Meals;
3. Halls, restrooms, and playgrounds;
4. Time before and after the school day; and
5. Field trips and other school activities.

**Before school opens each year, the Principal shall submit the plan to the Superintendent/designee for review and to the Board for its approval.*

School Emergency Management Plan. The Principal will review this plan with the staff at the start of each school year as the law requires. The plan shall address state requirements, board policies, and situations specific to each school.

ACCESS TO SCHOOL PROPERTY DURING THE SCHOOL DAY:

Unless they are authorized visitors, only those students who are enrolled in the District and on the property for an official school purpose, such as receiving instruction or participating in a school-sponsored extracurricular activity, shall be permitted on the property during the school day. If a student who is officially absent or on home/hospital instruction wishes to come onto the property during the school day, the student shall first go to the Principal/designee, seeking permission to be on the property and check in. Permission may be granted for the student to be on school property if the purpose relates to the educational needs of the student that cannot be accomplished outside of school hours, and the student remains on the property only for the time needed to accomplish that purpose. This requirement is necessary to address the supervision and safety concerns of students on the property during the school day.

Physical Restraint: Employees are authorized by law to physically restrain students as necessary for the following reasons: the student's behavior poses an imminent danger of physical harm to self or others and as permitted under KRS 503.050, KRS 503.070 and KRS 503.110; b) the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication, unless the student uses sign language or an augmentative mode of communication as the student's primary mode of communication and the implementer determines that freedom of the student's hands for brief periods during the restraint appears likely to result in physical harm to self or others; c) the student's physical and psychological well-being is monitored for the duration of the physical restraint; d) less restrictive behavioral interventions have been ineffective in stopping the imminent danger of physical harm to self or others, except in the case of a clearly unavoidable emergency situation posing imminent danger of physical harm to self or others; and e) school personnel implementing the physical restraint are appropriately trained as required by Section 6(3) of the regulation, except to the extent necessary to prevent physical harm to self or others in clearly unavoidable emergency circumstances where other school personnel intervene and summon trained school personnel as soon as possible.

PROHIBITED BEHAVIOR

This Code establishes minimum behavior standards. Recognizing that each school, grade, or class may require special provisions, school councils, administrators, and teachers have full authority to make rules to enforce these standards in keeping with their areas of responsibility.

A professionally planned and positive school atmosphere is necessary for academic progress and a safe environment. Therefore, students shall not interfere with the orderly environment of the school or school activity.

STUDENT DISCIPLINARY PROCESSES (Board Policy Online 09.43)

Students shall exercise self-control as required by the particular situation and in keeping with school and district rules, or be subject to removal from the regular classroom setting or transportation system. In addition, a student may be barred from participating in extracurricular activities, pending investigation that she/he has violated either the District's behavior standards or the school council's criteria for participation.

VIOLATIONS: Examples of prohibited behavior include, but are not limited to the following actions:

-Harassment of, or discrimination against, other students based on race, color, national origin, age, religion, marital status, political beliefs, sex(including sexual orientation or gender identity), or disability. -Otherwise behaving in a manner disrespectful to others	-Bullying
-Insubordination, (disobedient or defiant behavior)	-Sale of items without prior approval of the Superintendent or Principal
-Disruptions of the educational process or threatening health or safety	-Wearing Apparel, Accessories, or Hairstyles that Disrupt the Educational Process
-Fighting and physical attacks -Threats by verbal or written statements or gestures with intent to harm or demean others	-Possession or use of a weapon (Includes pocket knives and other dangerous instruments)
-Use of items that disrupt the educational process including cell phones, cameras, laser lights, electronic instruments that transfer sound or pictures, etc... -USE OF TELECOMMUNICATION OR ELECTRONIC DEVICES (Refer to Board Policy 09.4261) The use of telecommunication and or electronic devices that disrupt the educational process will be considered prohibited behavior. Inappropriate use of items, such as cell phones, MP3 Players, Cameras, iPods, laser lights, paging devices, and electronic devices, is prohibited -Prohibited use of electronic media and other district technological resources	-Use, possession, or transfer of alcohol or prohibited drugs -Use or possession of prohibited tobacco products/vapes or any type of inhalant (including alternative tobacco products such as e-cigs)
-Inappropriate use of district technology equipment or Mercer County Schools' Acceptable Use Policy including E-mail, blogs, online journals, etc...	-Theft of school property or personal property of employees or other students -Extortion of money or property
-Abuse of school or personal property including intentional or careless damage or destruction -Littering	-Lying/ Cheating -Plagiarism / Copyright Infringement
-Use of profanity	-Ignoring or breaking rules and procedures established to maintain order

DISRUPTING THE EDUCATIONAL PROCESS

Behavior that is disruptive of the educational process shall not be tolerated and shall subject the offending pupil to appropriate disciplinary action. Students enrolled in virtual classes and online academy classes are subject to the same discipline expectations, policies, and procedures as those attending school in person. Samples of disruptive behavior by students are as follows: conduct that may damage public or private property, including the property of students or staff; 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 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.

OFF-CAMPUS or Online CONDUCT

All disciplinary action normally available concerning a student for violation of school rules or other clear misconduct on-campus shall be available for any activity away from campus, whether or not the school is in session when such

activity occurs, if the off-campus activity or online activity may be reasonably interpreted to threaten the ability of the district to maintain a safe, orderly, and disciplined educational atmosphere.

When it is brought to the attention of the District that a student has engaged in such conduct off-campus or online, the Superintendent or designee, or Principal of the school, which the student attends, shall conduct such investigation and may initiate disciplinary action in the same fashion as if the action had occurred on campus. In conducting such an investigation, the Principal or his/her representative may cooperate with law enforcement authorities.

ABUSE OF A TEACHER PROHIBITED KRS 161.190 Whenever a teacher or school administrator is functioning in his capacity as an employee of a Board of Education of a public school system, it shall be unlawful for any person to direct speech or conduct toward the teacher or school administrator when such person knows or should know that the speech or conduct will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school

CELL PHONES/ COMMUNICATION DEVICES:

(SEE BOARD POLICY: **09.4261** FOR ADDITIONAL INFORMATION)

POSSESSION AND USE

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 before and after the regular school day and may be available by school level policy at other non-instructional times. ***Students are NOT allowed to use a cell phone in a disaster. Please do not call your child's cell phone. Cell phones can detonate bombs and the ringing of a cell phone can make your child a target, and also endanger the lives of other students and staff.**

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

- Poses a threat to academic integrity, such as cheating,
- Violates confidentiality or privacy rights of another individual. This includes but is not limited to, taking photographs, videos, or audio recordings of others without the permission of the principal/designee and the affected individual. Students are prohibited from taking pictures, audio, or video recording any acts of violence, fighting, incorrigible, bad acts, or other unapproved activity and posting these on social media. Students also may not send any prohibited pictures, audio, or video to others.
- Is profane, indecent, or obscene,
- Constitutes or promotes illegal activity or activity in violation of school rules, or
- Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.
- "Sexting" or using a personal telecommunication device to send texted or email messages or possessing texted or email messages containing images reasonably interpreted as indecent or sexually suggestive while at school or school-related functions is prohibited.

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

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

These actions are a violation of the Code of Acceptable Behavior. When students violate this prohibition, they shall be subject to disciplinary action which may include losing the privilege of bringing the device onto school property. In addition, law enforcement may be involved and the administrator or officer may confiscate the device, which shall only be returned to the student's parent/guardian as outlined and determined by school policy or as directed by the courts.

Tobacco/ Alternative Nicotine Products/Vapor Product

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 property owned or operated by the Board, inside Board-owned vehicles, on the way to and from school, and during school-sponsored trips and activities. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties outlined in the local code of acceptable behavior and discipline.

"Alternative nicotine product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.

"Tobacco product" means any cigarette, cigar, snuff, smokeless tobacco product, smoking tobacco, chewing tobacco, and any kind or form of tobacco prepared in a manner suitable for chewing or smoking, or both, or any kind or form of tobacco that is suitable to be placed in a person's mouth.

"Tobacco product" does not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;

"Vapor product" means any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. "Vapor product" includes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device.

*If it is determined that the substance inhaled through the Vapor product is an illegal drug, drug look-alike, or other prohibited substance. The administration will refer to the Alcohol, Drugs, Look-Alikes, Synthetic, and Other Prohibited Substances (including vapor products).

	POSSESSION/UNDER THE INFLUENCE/TRANSFER
1 st Offense	1 Afterschool Detention and Tobacco Cessation Class
2 nd Offense	1 ISAP and Tobacco Cessation
3 rd Offense	1 Friday School and/or 2 Detention Days and Tobacco Cessation and Refer to law enforcement

Tobacco Consequences Chart information continued

1st, 2nd, 3rd, and subsequent offense time calculations may be based on the current school calendar year.

In the case of an elementary student, charges may be brought against the parent.

DISABLED STUDENTS- For the purpose of this Code of Acceptable Behavior and Discipline and Board Policy, the status of the student as an individual with a disability will be considered as to the appropriate disciplinary consequences including the length of the suspension and whether or not to recommend for expulsion or file court charges.

ELEMENTARY AGE STUDENTS- For purposes of this Code of Acceptable Behavior and Discipline, Board policy, and/or as determined by school investigation, the court system, local law enforcement, and other appropriate agencies, the age of the child will be considered as to the appropriate consequences or court charges and any recommendation for expulsion.

WEAPONS

Board Policy: 05.48

The Board urges parents and other citizens to make sure that students do not have inappropriate access to weapons. Board policy and the law prohibit the carrying, bringing, using, or possession of any weapon or dangerous instrument, including knives, in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity. This policy applies to students, staff members, and visitors to the school. As synchronous virtual classes are considered school functions, districts must report weapon violations that occur during class. It can be difficult to determine whether or not a weapon viewed on-screen during a virtual class constitutes a weapon violation.

To help determine if an incident should be reported and addressed, administrators should consider the following three questions:

1. Is the weapon in the student's possession? Simply being able to see a weapon on-screen during a virtual class does not necessarily mean that the weapon is in the student's possession. If the weapon is clearly in the possession of another individual, is on display but not being handled or referenced by the student, or is in a locked cabinet or other display cabinet or shelf, the weapon should not be considered in the student's possession. However, if a student is clearly handling a weapon or referencing the weapon that can be viewed while on camera, the student should be considered in possession of the weapon.
2. Is the weapon, in fact, a deadly weapon? KRS 158.444 requires the recording of "deadly weapons" in IC. If a teacher is unable to determine if a weapon is a "deadly weapon" through remote viewing, the incident should not be reported. It may be appropriate for the teacher to make follow-up contact with the student's guardian to determine if the weapon is a deadly weapon.
3. Was the weapon displayed with the explicit intent to intimidate or threaten? Viewing a weapon through remote instruction does not necessarily indicate an intent to intimidate or threaten. School and district leaders should use professional judgment to determine if a weapon was displayed with malice of intent. As a general rule, if a situation feels threatening, it likely is threatening. The determination of threat or intimidation is based on the unique facts and circumstances of each situation. School and district leaders should consider all these facts and circumstances when making these determinations.

For Mercer County School's Code of Acceptable Behavior and Discipline, the term weapon includes a knife of any size. A knife of any size is considered a weapon including pocket knives and is NOT to be brought to school. (KRS 158.154 Duty to Report to Local Law Enforcement Agency)

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

The penalty for students possessing a firearm at school or bringing a firearm, other deadly weapons, destructive device, or booby trap device to school or onto the school campus/property under the jurisdiction of the District shall be expulsion for at least 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.

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.

Dangerous Instruments: This violation means possessing, transporting, receiving, exchanging, selling, transferring, distributing, exhibiting, or using any instrument, including parts of the body (when a serious physical injury directly results from the use of that part of the body), article, or substance which, under the

circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury [KRS 500.080(3)] (see Section 4.03).

Examples include, but are not limited to, the following:

- Ammunition for a firearm (e.g., a bullet, shotgun shell, or other rounds).
- Fireworks or other flammable items (e.g., sparklers, "pop bottle" rockets, or Black Cats®).
- Combustibles (e.g., road flares or flammable liquids).
- Objects which emit noxious gases (e.g., tear gas, a smoke bomb, or stink bomb)
- Bladed instruments (e.g., a hunting or pocket knife).
- Utility tools (e.g., a razor blade or box cutter).
- "Look-alikes", simulations, or facsimiles (e.g., a rubber knife).
- Defensive repellants (e.g., mace, "pepper spray", or other similar chemical sprays).
- Office implements (e.g., a letter opener or a pen).
- A laser pointer.

DEADLY WEAPONS may include:

- A weapon of mass destruction
- Any weapon from which a shot, readily capable of producing death or other serious physical injuries, may be discharged
- Any knife other than an ordinary pocket knife or hunting knife
- Billy, nightstick, or club
- Blackjack or slapjack
- Nunchaku karate sticks
- Shuriken or death star
- Stun devices (e.g., a Taser)
- Artificial knuckles made from metal, plastic, or other similar hard material;

Firearm/Explosive Device: In compliance with the federal Gun-Free Schools Act, for this section, a firearm/explosive device is defined as follows:

- Any weapon which will or is designed to or may be readily converted to expel a projectile by the action of an explosive.
- The frame or receiver of any weapon described above.
- Any firearm muffler or firearm silencer.
- Any explosive, incendiary, or poison gas: 1) Bomb; 2) Grenade; 3) Rocket having a propellant charge of more than 4 (four) ounces; 4) Missile having an explosive or incendiary charge of more than 1/4 (one quarter) ounce, or 5) Minor similar device.
- Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellants, and which has any barrel with a bore of more than 1/2" (one-half inch) in diameter.
- Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

DEADLY WEAPON: This violation means possessing, transporting, receiving, exchanging, selling, transferring, distributing, exhibiting, or using any instrument described in KRS 500.080(4) or elsewhere in state statute.

DEADLY WEAPON; LOOK-ALIKE: This violation means possessing, transporting, receiving, exchanging, selling, transferring, distributing, or exhibiting any look-alike, toy, or facsimile of a Deadly Weapon as defined by state statute.

Examples include, but are not limited to, the following:

- Any weapon of mass destruction [KRS 500.080(4)(a)] including, but not limited to, a "destructive device" (i.e., an explosive, incendiary or poison gas bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made) [KRS 237.030(1)] or a

“booby trap device” (i.e., a device or substance designed to surreptitiously or covertly take life, endanger life or destroy or damage property) [KRS 237.030(2)].

• Any weapon from which a shot, readily capable of producing death or other serious physical injuries, may be discharged [KRS 500.080(4)(b)] including, but not limited to, a handgun (i.e., a pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand) [KRS 237.060(1) and 527.010(5)], a rifle, a shotgun, or other firearms [KRS 237.060(2) and 500.010(4) and 527.010(4)].

- Components of these weapons (e.g., a stock, barrel, frame, or receiver).
- Certain accessories for these weapons (e.g., a muffler/silencer).
- Any item(s) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellants, and which has any barrel with a bore of more than one-half inch in diameter.
- Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
- Items represented as such weapons (e.g. a concealed object shaped like a gun or referred to as a gun or any object such as a stick or finger concealed under clothing and is being portrayed as a firearm).
- Commercial explosives (e.g., dynamite, blasting caps, or chemical oxidizing agents).
- Simulations or facsimiles of such weapons (e.g., toy guns).
- Knife
- Billy, nightstick, or club
- Blackjack or slapjack
- Nunchaku karate sticks

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

Students - 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 a 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. District employees must also report to law enforcement officials if they know or have reasonable cause to believe that conduct has occurred that constitutes the carrying, possession, or use of a weapon on the school premises, on a school bus, or at a school-sponsored or sanctioned event.

Visitors - Violations by visitors shall be reported to a law enforcement agency. Reference Board Policy 05.48 This policy applies to students, staff members, and visitors to the school. Job Duties that may require staff to carry a pocket knife or other tools may include maintenance, mechanic, custodial, transportation, shop, agriculture, or technology.

KNIVES /DANGEROUS INSTRUMENT/ LOOK ALIKES/ DEADLY WEAPONS (Board Policy: 05.48)

(Including Pocket Knives or Dangerous Instrument) For the Mercer County School District Code of Acceptable Behavior and Discipline, the term weapon includes any knife/dangerous instrument. A knife/dangerous instrument is considered a weapon, including pocket knives, and is **NOT** to be brought to school. (KRS 158.154 Duty to Report to Local Law Enforcement Agency) *This includes items that are deemed a look-alike.

POSSESSION/EXHIBITING/THREATENING/USE/ASSAULT with a deadly weapon –Notification of law enforcement

	POSSESSION	POSSESSION/ Exhibiting Knife or Dangerous Instrument	POSSESSION/ THREATENING with Knife or Dangerous Instrument	POSSESSION/ USE & Assault w/ Knife or Dangerous Instrument
1st Offense	MINIMUM 1 Day In-School Suspension (Minimum Elementary Student Half-Day to 1 day- In School Suspension) Shall report to law enforcement May Recommend Discipline Committee/ Expulsion	MINIMUM 1-2 Day Suspension (Minimum for Elementary Student Half to 1 day- In- School Suspension ISAP) Shall report to law enforcement May Recommend Discipline Committee/ Expulsion	MINIMUM 5-10 Days Suspension (Minimum Elementary Student 1-5 days - In-School Suspension) Shall report to law enforcement Shall recommend Discipline Committee/ Expulsion	MINIMUM 7-10 Days Suspension (Minimum Elementary Student 1-3 -days Suspension) Shall report to law enforcement Shall recommend Discipline Committee/ Expulsion
2nd Offense	MINIMUM 1-3 Day Suspension Shall report to law enforcement May Recommend Discipline Committee/ Expulsion	MINIMUM 3-5 Day Suspension (Minimum Elementary Half -1 Day of ISAP) Shall report to law enforcement May Recommend Discipline Committee/ Expulsion	MINIMUM 7-10 Day Suspension (Minimum Elementary 1-5 Days In-School Suspension) Shall report to law enforcement Shall-recommend Discipline Committee/ Expulsion	MINIMUM 10-Day Suspension (Minimum Elementary 3-5 days Suspension) Shall report to law enforcement Shall-recommend Discipline Committee/ Expulsion

1st, 2nd, 3rd, and subsequent offense time calculations may be based on the current school calendar year.

For purposes of the Mercer County School District Code of Acceptable Behavior and Discipline, the term “weapon” shall include knives, including pocket knives & hunting knives, box cutters, or other dangerous instruments that can cause injury or death. DEADLY WEAPON- (Board policy 05.48) Consequence becomes much more severe if it is determined to be a

DEADLY WEAPON and the nature of the incident.

ELEMENTARY AGE STUDENTS- For purposes of this Code of Acceptable Behavior and Discipline, Board policy, and/or as determined by school investigation, the court system, local law enforcement, and other appropriate agencies, the age of the child will be considered as to the appropriate consequences or court charges and any recommendation for expulsion.

In the case of an elementary student, charges may be brought against the parent.

If a student accidentally brings any of the above-mentioned items to school and immediately upon realization of having the item, the student makes an administrator aware of its presence, and the administrator can determine that the item was brought on school grounds accidentally; this information will be taken into consideration regarding consequences.

DISABLED STUDENTS- For the purpose of this Code of Acceptable Behavior and Discipline and Board Policy, the status of the student as an individual with a disability will be considered as to the appropriate disciplinary consequences including the length of the suspension and whether or not to recommend for expulsion or file court charges

ALCOHOL, DRUGS, LOOK-ALIKES, SYNTHETIC, AND OTHER PROHIBITED SUBSTANCES (POTENTIALLY INCLUDING VAPOR PRODUCTS)

	POSSESSION/UNDER THE INFLUENCE	POSSESSION/TRANSFER
1 st Offense	MINIMUM 5 Days Suspension (Minimum-Elementary Student 1 Day Suspension) Shall notify Law Enforcement MAY recommend discipline committee hearing/placement, outside counseling services, and/ or expulsion hearing	MINIMUM 10 Days Suspension Shall notify Law Enforcement Shall recommend discipline committee hearing/alternative placement, outside counseling services, and/or expulsion hearing
2 nd Offense	MINIMUM 7 Days Suspension Shall notify Law Enforcement MAY Recommend Discipline Committee/ Expulsion	MINIMUM 10 Days Suspension Shall notify Law Enforcement Shall recommend Discipline Committee/ Expulsion
3 rd Offense	MINIMUM 10 Days Suspension Shall notify Law Enforcement SHALL Recommend Discipline Committee/ Expulsion	MINIMUM 10 Days Suspension Shall notify Law Enforcement Shall recommend Discipline Committee/ Expulsion

1st, 2nd, 3rd, and subsequent offense time calculations may be based on the current school calendar year.

KRS 158.154 Duty to Report to Local Law Enforcement Agency- ALCOHOL, DRUGS, AND OTHER PROHIBITED SUBSTANCES

ELEMENTARY AGE STUDENTS- For purposes of this Code of Acceptable Behavior and Discipline, Board policy, and/or as determined by school investigation, the court system, local law enforcement, and other appropriate agencies, the age of the child will be considered as to the appropriate court charges and any recommendation for expulsion.

In the case of an elementary student, charges may be brought against the parent.

DISABLED STUDENTS- For the purpose of this Code of Acceptable Behavior and Discipline and Board Policy, the status of the student as an individual with a disability will be considered as to the appropriate disciplinary consequences including the length of the suspension and whether or not to recommend for expulsion or file court charges.

Alcohol, Drugs, and Other Prohibited Substances

See BOARD POLICY STUDENTS 09.423 for additional information.

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

1. Alcoholic beverages, including look-alikes, taste- alike, or smell-alikes;
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 sale or distribution. 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

- All prescription drugs obtained or possessed without authorization, and
- 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.

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 a 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.

RANDOM DRUG TESTING AND DRUG SAFETY PROGRAM

Random Drug Testing Program - All policies and procedures can be viewed on the mercerc.kyschools.us website. If you need a hard copy form to view, please contact the **Mercer County Drug Testing Coordinator** or the Director of Pupil Personnel.

Assault and Threats of Violence

A "threat" shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

Any student who threatens, physically assaults, batters, or abuses another student shall be subject to appropriate disciplinary action, including suspension or expulsion. Students may also be subject to prosecution or juvenile justice interventions for assault, threats, or other abusive conduct.

Any student who threatens, physically assaults, batters, or physically or verbally abuses a teacher or other educational personnel on or off school property (and the incident is likely to substantially disrupt the educational process) shall be subject to appropriate disciplinary action 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. Disrupts the classroom environment and education process or the student challenges the authority of a supervising adult.
2. Verbal or written statements or gestures by students indicating intent to harm themselves, others, or property.
3. Physical attack by students so as to intentionally inflict harm to themselves, others, or property.

The Principal may establish (school) procedures for a student's removal from and reentry to the classroom when the student's behavior disrupts the classroom environment and education process or the student challenges the authority of a supervising adult. In addition to removal, the student shall be subject to further discipline for the behavior consistent with the school's code of conduct.

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 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.

Chronically Disruptive:

Per KRS 158.150, a student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered "chronically disruptive" and may be suspended from school and no other basis for suspension shall be deemed necessary.

At any time during the school year, for a student who has been removed from the classroom, the Principal may require a review of the classroom issues with the teacher and the parent, guardian, or other person having legal custody or control of the student and determine a course of action for the teacher and student regarding the student's continued placement in the classroom.

At any time during the school year, the Principal may permanently remove a student from a classroom for the remainder of the school year if the Principal determines the student's continued placement in the classroom will chronically disrupt the education process for other students.

When a student is removed from a classroom temporarily or permanently, the Principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to

- Another classroom in that school; or
- An alternative program or setting, which may be provided virtually, as approved by the Superintendent.

Any permanent action by the Principal shall be subject to an appeal process in accordance with Policy 09.4281/Grievances.

Report to Law Enforcement Agency:

When they have a 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 they have 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 prior to the assignment or contact.

Please see Board Policy: 09.425 for additional information.

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.

TERRORISTIC THREAT:

- 1) Intentionally making false statements about placing a weapon of mass destruction on the real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education, a school bus or other vehicle owned, operated, or leased by a school, or the real property or any building public or private that is the site of an official school-sanctioned function, or the real property or any building owned or leased by a government agency [KRS 508.075(1)(a)];
- 2) Intentionally and without lawful authority, placing a counterfeit weapon of mass destruction at any location or on any object specified in KRS 508.078(1)(a)
- 3) Intentionally, with respect to a school function, threatening 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 his or her employment by a school, or work or attendance at school, or a school function [KRS 508.078(1)(a)];
- 4) Intentionally making false statements about placing a weapon of mass destruction at any location other than one specified in KRS 508.075 ;
- 5) Intentionally, without lawful authority, placing a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075;
- 6) Threatening to commit any crime likely to result in death or serious physical injury to another person or likely to result in substantial property damage to another person; or
- 7) Intentionally making false statements for the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation

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:

With respect to any scheduled, publicly advertised event open to the public, any place of worship, or any school function, threatens to commit any act likely to result in death or serious physical injury to any person at a scheduled, publicly advertised event open to the public, any person at a place of worship, or 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 at a scheduled, publicly advertised event open to the public, place of worship, or school does not need to identify a specific person or persons or school for a violation of this section to occur;

1. Makes false statements by any means, including by electronic communication, for the purposes of
 - i. Causing evacuation of a school building, school property, or school-sanctioned activity;
 - ii. Causing cancellation of school classes or school-sanctioned activity; or
 - iii. Creating fear of serious bodily harm among students, parents, or school personnel;

2. 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 without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.

Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

Penalties

Violating a Class D felony (adult) 1-5 years imprisonment (KRS 532.020) and/or \$1,000-\$10,000 fine (KRS 532.020).

Violating a Class C felony (adult), 5-10 years imprisonment (KRS 532.020), and/or \$1,000-\$10,000 fine (KRS 532.020).

Violating a felony (juvenile) fine not to exceed \$500 (KRS 635.085), with a fine assessed at the court's discretion in lieu of commitment to the Department of Juvenile Justice.

NOTE: A threat directed at a person or persons or the school does not need to identify a specific person or persons or school for a violation of this section to occur [KRS 508.078(1)(a)].

Examples include, but are not limited to, the following:

- Delivering a letter, hand-written note, email, or text message containing a death threat.
- Creating a blog entry indicating that arson will occur in a wing of a school building.
- Placing an actual or "look-alike" explosive, incendiary, letter, straight, concealed, or time-delayed device along with a note that threatens detonation.
- Making any similar threat (e.g., any other activity that threatens large-scale violence to students, staff, or the interests of the school or district accompanied or unaccompanied by verbal, written, or symbolic communication indicating that such an action is either imminent or in progress).
- Any communication verbally or written by electronic or other means any message containing a threat of serious physical injury or death.
- Creating threatening posts on Social Media

KRS: 158.150

Any pupil who threatens, physically assaults, batters, or abuses an educational professional or other students at a school or school function under the board's jurisdiction shall be subject to appropriate disciplinary action and potential expulsion for at least 12 months.

Any pupil who threatens, physically assaults, batters, or abuses an educational professional or other student OFF school property and the incident is likely to substantially disrupt the educational process, shall be subject to appropriate disciplinary action and potential expulsion for at least 12 months.

ELEMENTARY-AGED STUDENTS:

For purposes of this Code of Acceptable Behavior and Discipline, Board Policy, and/or as determined by school investigation, the court system, local law enforcement, and other appropriate agencies, the age of the child will be considered as to the appropriate court charges and any recommendation for expulsion. In the case of an elementary student, charges may be brought against the parent. Elementary-aged students and their parents may be required to meet with a Disciplinary Committee to determine the necessity of an expulsion hearing.

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 to intentionally inflict harm to themselves, others, or property.

Removal of students from a bus shall be made in compliance with [702 KAR 005:080](#).

Each school shall 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 from the room due to threats of violence, they shall notify the administration immediately and preferably in person. The person making the referral needs to verify that the administrator (or designee) has received the report. Then the personnel shall then submit a discipline referral form to document the removal and the causes. The Principal shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

REPORT TO LAW ENFORCEMENT AGENCY

When they have a reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping, or each instance of assault involving the use of a weapon.

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

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 before the assignment or contact.

Below is a letter for all Parents and Guardians regarding Terroristic Threats and the consequences of making such a threat:

Dear Parent/Guardian,

Our most important function in the Mercer County School District is to provide the safest learning environment possible for all of our students and school staff members. Unfortunately, in recent years, Kentucky's P-12 schools have experienced an escalation of terroristic threats made by students with the intent to harm either other students or school staff members. Plainly stated, these are threats being made to shoot people or detonate bombs with lethal intent. In fact, between January 23 and April 30th of the last school year (2018), Kentucky schools experienced (294) terroristic threats that caused widespread fear throughout the school's community and resulted in total disruption to the educational process. In many of those cases, school officials and law enforcement officials were forced to close schools to investigate the threats that had been made. In other cases, school attendance plummeted for days after the threat was made. Many school leaders have said that the emotional, instructional, and financial impacts of these acts are incalculable.

Terroristic Threatening in the second degree is defined in state law (KRS 508.078)

(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:

b) Makes false statements by any means, including by electronic communication, for the purpose of:

- 1. Causing evacuation of a school building, school property, or school-sanctioned activity;**
- 2. Causing cancellation of school classes or school-sanctioned activity; or**
- 3. Creating fear of serious bodily harm among students, parents, or school personnel**

Such threats to our students and school staff are unacceptable and will not be tolerated. As a result, the purpose of this letter is to notify all parents and guardians that school district officials (in coordination with responding law enforcement agencies) will **pursue immediate legal charges for felony terroristic threatening in the second degree, to the absolute fullest extent of the law, against anyone who makes such threats, including students.** Moreover, we will advocate our highest ability that the prosecution of these individuals be swift and their punishment be severe.

Our approach to eliminating terrorist threats in our school and district is strong and unwavering, and as a result, it is imperative that you discuss this critically important matter with your student as soon as possible. School and law enforcement officials are determined to put a halt to these willful acts of terrorism being made toward our students. Please do your part to ensure that your student never becomes a party to such an offense by educating him/her on the seriousness of its consequences.

Together we can prevent this unnecessary, dangerous, and disruptive crime from victimizing our schools. I appreciate your partnership in keeping our schools the safest place for your children to learn and grow. If you have any questions or concerns, please contact me at your convenience at 859-733-7000

Sincerely,

Jason Booher, Superintendent
Mercer Co. Schools

Bullying/Hazing

For additional information refer to Board Policy: 09:422

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:

- Use of lewd, profane, or vulgar language**

- Hazing
- Bullying
- Menacing
- Taunting
- Intimidating
- Verbal or physical abuse of others
- Any threatening behavior

This extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit the 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

Per KRS 158.148, “bullying” is defined as 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 the 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.

Hazing Defined (Board Policy: 09.422 for additional information)

Per KRS 508.150, “hazing” is defined as an action which endangers the mental or physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization*, including but not limited to actions which cause, coerce, or force a minor or a student to:

- (a) Violate federal or state criminal law;
- (b) Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of mental harm or physical injury;
- (c) Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;
- (d) Endure brutality of a mental nature, including personal servitude, sleep deprivation, or circumstances which would cause a reasonable person to suffer substantial mental distress;
- (e) Endure brutality of a sexual nature; or
- (f) Endure any other activity that creates a reasonable likelihood of mental harm or physical injury to the minor or student.

Harassment: (KRS 525.070):

A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she:

- Strikes, shoves, kicks, or otherwise subject him to physical contact
- Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact
- In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present
- Follows a person in or about a public place or places

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

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 theft of the property of another student
- Substantially disrupts the operation of the school
- Creates a hostile environment using 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.

Harassing Communications: KRS 525.080

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 that causes annoyance or alarm and serves no purpose of legitimate communication
- Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication
- Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, 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.

Reporting: A report by a student or parent or an incident within the school, at a school activity, on the school bus, or at any sponsored school function will be investigated and action taken.

Incidents can be reported:

- Anonymously through the S.T.O.P. bullying hotline to eliminate the potential for retaliation. These tips are emailed directly to school administrators.
- Incidents may be reported directly to a teacher, school building administrator, or central office staff. If an incident is reported to a teacher, the teacher will share that information with school administrators so they can investigate the report. Following the administrator's investigation, bullying/ harassing behaviors will be addressed with all students involved.
- Parents of the offender will be informed of the investigation and if applicable, the consequences of the behavior.
- Data will be kept in the Infinite Campus System on all reports of bullying and harassment including information about the incident, the victims, and the offenders.

In certain cases, employees must do the following:

- Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
- 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

Consequences:

Consequences for bullying/harassment range from parent notification/student conference up to expulsion and may include court charges. Consequences are determined by the factors identified through the

administrator's investigation of the reported incident. On continued harassing behaviors, the school will work with local court officials to determine if there is an evidenced pattern of behavior that has become harassment. A harassing behavior or a single incident may not always result in a harassment charge. However, some harassing behaviors may immediately be determined to be harassment, due to the nature of the incident, and upon consultation with local court officials, charges may be filed. See the below for information on our anonymous S.T.O.P. Tipline. This tipline can be used to report bullying, harassment, or risky behavior anonymously.

Retaliation Prohibited:

Employees and other students shall not retaliate against a student because he/she reports a violation of the Code or assists or participates in any investigation, proceeding, or hearing regarding the violation. The Superintendent or Designee shall take measures needed to protect students from such retaliation.

STRATEGIES TO ADDRESS PROTECTION FROM RETALIATION MAY INCLUDE BUT ARE NOT LIMITED TO:

- During the course of the investigation, students and parents will be informed of the definition of retaliation.
- Consequences for retaliation will be explained to students and parents.
- Alleged victims of the incident, and parents/guardians will be informed to report to school officials or law enforcement (if necessary) if they feel threatened.
- Additional measures for students may be taken by the administration as deemed appropriate.

The District has provided the S.T.O.P Safety Tip line so that students may report issues anonymously and avoid retaliation. This "TIPLINE" is not for immediate response. If you need immediate assistance, dial 911.



How does it work?

- *Click logo on your district's webpage: www.mercer.kyschools.us
- *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

FAQ: KRS 158.148 Bullying Definition

This document is intended to provide schools and districts guidance about [KRS 158.148](#), which created a formal definition for bullying.

When do you begin an investigation for bullying?

Every report of bullying from students, parents, guardians, staff, or other individuals should be investigated by school personnel. Bullying can happen to anyone at any time, so all incidents need to be investigated, regardless of the frequency of reports or the identity of the students supposedly involved in the bullying.

What does “real or perceived power imbalance” mean?

According to Dr. Dan Olweus, who created the internationally-recognized Olweus Bullying Prevention Program, bullying happens to someone who “has difficulty defending himself or herself.” The person may have difficulty defending himself/herself verbally, physically, or socially for various reasons.

The following scenario is not all-inclusive of what “real or perceived power imbalance” means, but it may help to provide an example of what this could look like in school. For weeks now, Marsha has been telling her friends not to let Tia sit with them at lunch. She also has posted mean things about Tia on social media, which all of the friend groups have seen. Tia has been avoiding her family at home, and her grades have dropped. Both girls are the same age, approximately the same height, and weight, and have historically been friends. However, because Marsha has begun repeatedly excluding Tia and verbally abusing her on social media, Tia does not feel comfortable standing up for herself due to the risk of further bullying and embarrassment. While it can be difficult to see, a perceived power imbalance like that between Marsha and Tia can be very powerful and devastating.

What does “potential to be repeated” mean?

Webster’s dictionary defines “potential” as “capable of becoming real.” It defines “repeated” as, “said, done, or happening again and again.” The plain meaning of this phrase would then be that bullying can be capable of happening again and again.

Again, the following scenario is not all-inclusive of what the “potential to be repeated” means, but it is intended to help explain how this would be exhibited in the school. Charlie is the “ringleader” of a group of boys who have been bullying Nadia for being tall and skinny. When Lionel moves into the school in October, Charlie laughs at him and calls him names for being tall and skinny in front of the entire class. Even though this is just one instance of Charlie picking on Lionel, because he was previously bullying Nadia, there is a potential for this bullying behavior to be repeated on Lionel. Charlie picking on Lionel just one time would be considered bullying.

What does “disrupts the education process” mean?

Behavior that disrupts the educational process includes but is not limited to

1. Conduct that threatens the health, safety, or welfare of others;
2. Conduct that 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.

What is the difference between bullying and peer conflict?

As previously noted in the bullying definition, bullying is repeated, intended to cause harm, and involves a power imbalance. A peer conflict does not include all of these three criteria. Typically, a peer conflict does not involve a power imbalance. For example, John and Benjamin get into a fistfight over a girl for the third time this school year. The fights have been repeated, and both boys have been aggressive in their actions.

However, both are also approximately the same size, equally popular, and are in the same class. Therefore, there is no power imbalance. This is a peer conflict and does not need to be treated as bullying.

How do we know when to report bullying in Infinite Campus?

Once an administrator or other school personnel has determined after an investigation that an incident is bullying, all bullying and harassment behavior events must be recorded in Infinite Campus, regardless of resolution. Please reference the [Safe Schools Data Standards](#) for more information.

What is covered under [KRS 158.148\(1\)\(b\)](#) where it indicates that the above definition “shall not be interpreted to prohibit the 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”?

Students in public schools frequently engage in conduct of an expressive nature, including discussion and debate regarding various personal opinions and beliefs. For example, students may engage in debate regarding religious or political views. Such conduct, absent disruption to the education process (see above), is NOT bullying as outlined in [KRS 158.148](#), even if one student seems to dominate the conversation. In fact, such conduct may be protected by students’ first amendment rights to free speech. However, if student conduct of an expressive nature that is unwanted AND upsets the education process AND involves a real or perceived power imbalance, AND is repeated or has the potential to be repeated, it meets the definition of bullying.

The following scenario is not all-inclusive of the “civil exchange” between students, but it can serve as an example of what may occur in schools when a civil exchange can turn into bullying. In Ms. Patterson’s political studies class, several of her students began a discussion about the spread of a different religion in Latin America in the 1700s. Mike and Loretta in particular differed heatedly over the subject, as Mike believed that it was fine for the religion to be spread to the native peoples. Loretta stated that she believed the spread of the religion negatively affected the native people’s culture. While the discussion was heated and repeated over several days, it was not bullying, as the education process was not interrupted and did not involve a power imbalance. However, Mike began bringing up the discussion at lunch after their class for several weeks and calling Loretta derogatory names for believing that his religion should not have been spread. Several other students began to pick on Loretta for not following the dominant religion. Loretta chooses to withdraw from any discussion in Ms. Patterson’s class, as she now feels uncomfortable sharing her opinions. She also experiences feelings of anxiety whenever it is time for the political science class. Mike and his like-minded friends now dominate the discussion in class. This has now become bullying, as it is repeated, aggressive, and involves a power imbalance as many students are now attacking Loretta for her religious beliefs. While Mike has shared his opinions, he has affected Ms. Patterson’s class by stifling other students’ opinions, particularly Loretta’s.

In other words, how does this relate to First Amendment protections for free speech?

Keep in mind that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,” according to the United States Supreme Court’s holding in *Tinker v. Des Moines Independent School District* (1969). Students, however, do not have an unlimited right to self-expression. Students’ First Amendment guarantees must be balanced against a school’s need to keep order: As long as an act of expression doesn’t disrupt the educational process or invade the rights of others, it’s acceptable. Therefore, students are free to engage in conduct of an expressive nature so long as that conduct does not harm others or disrupt the educational process. If a student’s expressive conduct threatens the health, safety, or welfare of a fellow student, or materially or substantially interferes with another student’s access to educational opportunities or programs, the expressive conduct is NOT protected by the First Amendment and may rise to the level of bullying under [KRS 158.148](#).

Harassment/Discrimination (See Board Policy: 09.42811 for more information)

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

Prohibited: Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.) District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

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

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 to the Principal or 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.

Investigation of Allegations

- Investigation of allegations of harassment/discrimination will 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.

- A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent the reoccurrence of harassment /discrimination. If corrective action is not required, an explanation shall be included in the report.

Notification

- 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 notice shall be required by law. (See Policy 09.227.)
- 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, procedures shall also provide for addressing the complaint to a higher level of authority.

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.

In an attempt to eliminate inappropriate language and actions from the school environment and to clarify to students that such language/actions will not be accepted regardless of the intent of their use of the language/actions the following chart has been developed to guide families and school administrators of the consequence for behaviors:

- **ELEMENTARY AGE STUDENTS-** For purposes of this Code of Acceptable Behavior and Discipline, Board policy, and/or as determined by school investigation, the court system, local law enforcement, and other appropriate agencies, the age of the child will be considered as to the appropriate consequences or court charges and any recommendation for expulsion.
- **DISABLED STUDENTS-** For the purpose of this Code of Acceptable Behavior and Discipline and Board Policy, the status of the student as an individual with a disability will be considered as to the appropriate disciplinary consequences including the length of a suspension and whether or not to recommend for expulsion or file court charges

DISCRIMINATORY LANGUAGE/ACTIONS CONSEQUENCE RANGE	
*All reports require an office discipline referral for documentation in Infinite Campus Behavior. This chart is not to take the place of the school board policies referring to Harassment/Discrimination or Bullying but instead is guidance for discipline consequences in addition.	
	USE OF INAPPROPRIATE AND/OR DISCRIMINATORY LANGUAGE OR ACTION
1 st Offense	<p>*Administrator shall review the Harassment/Bullying policies and consequences with students and complete the Harassment/Bullying form to document if this conference has occurred.</p> <p>SHALL Include:</p> <ul style="list-style-type: none"> • Parent Contact and Educational Redirection <p>SHALL include at least one of the following consequences:</p> <ul style="list-style-type: none"> • 3 day(s) In-School Suspension • Court Charges • 1-10 days of Suspension • Discipline Committee Meeting or Expulsion Hearing
2nd Offense	<p>SHALL:</p> <ul style="list-style-type: none"> • 5 days of Suspension and Educational Redirection <p>MAY:</p> <ul style="list-style-type: none"> • Court Charges • Alternative Placement/ Discipline Committee Meeting or Expulsion Hearing
3 rd Offense	<p>SHALL:</p> <ul style="list-style-type: none"> • 1-10 days of Suspension and Educational Redirection <p>MAY:</p> <ul style="list-style-type: none"> • Court Charges • Discipline Committee Meeting/ Alternative Placement/or Expulsion Hearing

Disrupting the Educational Process

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

1. Conduct that disrupts the classroom environment and education process or the student challenges the authority of a supervising adult;
2. Conduct which threatens the health, safety, or welfare of others;
3. Conduct that may damage public or private property, including the property of students or staff;
4. Illegal activity;
5. 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
6. 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.

Removal

Per KRS 158.150, a student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered "chronically disruptive" and may be suspended from school and no other basis for suspension shall be deemed necessary.

At any time during the school year, for a student who has been removed from the classroom, the Principal may require a review of the classroom issues with the teacher and the parent, guardian, or other person

having legal custody or control of the student and determine a course of action for the teacher and student regarding the student's continued placement in the classroom.

At any time during the school year, the Principal may permanently remove a student from a classroom for the remainder of the school year if the Principal determines the student's continued placement in the classroom will chronically disrupt the education process for other students.

When a student is removed from a classroom temporarily or permanently, the Principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to:

- Another classroom in that school; or
- An alternative program or setting, which may be provided virtually, as approved by the Superintendent.

Any permanent action by the Principal shall be subject to an appeal process in accordance with Policy 09.4281/Grievances.

ATTENDANCE:

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 7:125. Students who do not attend the sessions will be considered absent. Online Academy students have the same parent notes and other excused absence notes as students attending school in person.

SCHOOL HANDBOOKS: EACH SCHOOL HANDBOOK SHALL INCLUDE SPECIFIC ATTENDANCE REQUIREMENTS.

GOOD ATTENDANCE IS THE KEY TO STUDENT SUCCESS IN SCHOOL

It is more important NOW than ever to have a good education...

One key aspect of obtaining a good education... good attendance in school.

Research has shown students who attend school regularly demonstrate:

- A strong correlation between a strong attendance record and a higher grade point average.
- Higher levels of academic achievement than students who are frequently absent
- Stronger bonds to the school and community
- Lower rates of delinquent and high-risk behavior
- Increased participation in higher education or job-related success

Research has shown that high rates of absenteeism results in:

- Lack of educational engagement
- Lack of participation
- Behavior problems
- Falling behind in classwork or credits
- Inability to keep up with their school work; for every missed day of school, it takes students two days to catch up since they must make up missed learning and catch up with new learning at the same time. (U.S. Dept. of Education)
- Being absent means that children miss the social side of school life, which can affect their ability to make and keep friends, and work alongside people later in life.
- Increased risk of failing, retention, and dropping out later in school

HOW PARENTS ENCOURAGE, PROMOTE, & ENSURE REGULAR SCHOOL ATTENDANCE

- Make attendance and academics a priority.
- Make medical and other appointments during non-school hours whenever possible. Take advantage of the District's Nurse Practitioner. She can see your child at school and if necessary call in a prescription to your pharmacy.
- Schedule family vacations during school breaks so students are not missing important lessons. If this is not possible, contact the school to see if this may qualify as an Educational Enhancement Opportunity (EHO).

- Communicate with school staff. Let the school know in advance if your child is going to be absent or if you have concerns about your child's attendance or school performance.
- Develop a routine where children have their homework done, classroom material together, and their bags packed the night before.
- Set reasonable bedtimes. On average, school-aged children need about nine hours of sleep to be healthy and alert. As they move into their teen years, children's brains begin to signal them to stay up later and to sleep in later the next day. Despite what nature is telling them, reinforce reasonable bedtimes for your children, and encourage them to get up and get ready on their own.
- High School Age- Good school attendance prevents school failure and reduces the dropout rate. It also demonstrates to potential employers that your child is reliable.

95-100% Attendance Goal for all Students

A student should have no more than 7 or 8 total absences for the year.

Kindergarten through 12th Grade

Good School Attendance= Student Success in the Classroom

- **EHO (Enhanced Educational Opportunity)** Students may be excused for up to 10 days per year for educational activities. This application form (09.123 AP.2) must be completed and returned to your school Principal at least five (5) days before the absence. The principal then deems if it is educationally relevant and determines approval. A student may be approved for up to ten (10) days of absence per year for this purpose. This type of absence cannot occur during the school's state testing or district-wide assessments unless there are extenuating circumstances approved by the Principal
- **Home/Hospital-** If a student is anticipated to be absent for 5 days or more, due to surgery, medical procedure, accident, serious illness, or medical-related long-term absence, they are eligible to complete a home/hospital application for a service request for home/hospital instruction. **Home/Hospital is designed for short-term instructional delivery options only. Students who are on home/hospital for longer than 10 days are not eligible for school extracurricular events and school activities. Students are not eligible for home/hospital if they have a job.** See school handbooks for additional policies regarding home/hospital. If a student is in the home/hospital longer than 10 days, they have lost privileges to all extracurricular and school activities. If a parent believes there are special circumstances, they may seek an appeal through the home/hospital school committee which reviewed the original home hospital application.
- **Excused Absences for Medical, Mental, or Behavioral Health: TEN NOTE Limit for the Year-** Medical/Mental/Behavioral Health Notes are limited to ten (10) for the year. In special circumstances, or as deemed necessary by a chronic health situation, additional days may be granted after a form is completed by your family physician for doctor/medical excuses with medical documentation and principal/designee approval. (Note: The ten (10) note limit does not apply to IEPs or 504s where medical documentation regarding the chronic health issues has been provided and approved and is on file at the school)

- **After-School Appointments-** Parents, staff, and students are encouraged to make doctor/dental/optometrist/orthodontist appointments after school or on the days of the school breaks unless it is related to an immediate health need.
- **Absences & Written Documentation-** Always provide written documentation for any absence. **Email and Faxed notes are also accepted.** **Written Documentation-** Every time your child is tardy, checks out early or is absent, **you are encouraged to send a note on the day of the student's return to school.** There is a 5-day grace period to submit the documentation.
- **Six Parent Absent Excuse Limit for the Year** Mercer County School District allows a total of six (6) parent excused absences for the year. If a student is already a habitual truant, as defined by Kentucky statutes, this automatically revokes the use of any parent notes.
- **Parent Excused Tardy-** Mercer County School District allows a total of six (6) parent-excused morning and/or afternoon tardies for the year.
- **Parent Excuse Absences Can Be Revoked-** Once a student has six parent excused absences, or has already become a habitual truant as defined by Kentucky statutes, all subsequent absences will require a medical statement.
- **Unexcused Absences-** Once a student has six (6) unexcused absences, he/she is then a habitual truant as defined by Kentucky statutes. If a student is already a habitual truant, as defined by Kentucky statutes, this automatically revokes the use of any parent excuses.
- For absences and tardies without written documentation, a Parent Excuse will be used to excuse the absent/tardy if these are available. If the limit of six (6) parent excused absences/tardies have been reached, the absence/tardy will be considered unexcused.

Checking in and Checking Out of School

- **Checking in Students-** Parents must come into the building and sign the student in and provide written documentation for the reason for the absence. A parent's excuse or doctor's excuse in addition to signing a log is required. For absences and tardies without written documentation, a Parent Excuse will be used to excuse the absent/tardy if these are available. If the limit of six (6) parent excuse absences/tardies have been reached, the absence/tardy will be considered unexcused.
- **Checking Out Students-** Parents must come into the building to check out students, sign the log, and provide written documentation for the reason for the checkout. PARENT NOTE or DOCTOR NOTE in addition to signing log is required.
- **Checking Out Students-** If someone other than the parent will be checking out a child, a written note authorizing one of the individuals on their check-out list must be received in the office the morning of the check-out, with a number to reach the guardian to verify the check-out. In case of an emergency or extenuating circumstance, contact the principal, and authorization for the check-out may be granted through the office of the Principal.
- **Student Drivers-** Student drivers must have a written note from the parent on the morning of the check-out. A parent/guardian phone number where you can be reached must be included in the note.

ATTENDANCE- KENTUCKY COMPULSORY ATTENDANCE LAW

Mercer County School System is required to enforce the compulsory attendance law (KRS 159.150) as required by the State of Kentucky.

Kentucky Compulsory Attendance Law (KRS 159.150) states that any student between the ages of six and twenty-one years of age who has been **absent from school without a valid excuse** for three days or more, or **tardy without a valid excuse** on three days or more is a truant. A student who has been reported as a truant two (2) or more times (six incidents) is a Habitual Truant under KRS 159. 150.

HABITUAL TRUANCY CHARGES FILED ON PARENTS

A charge of “**unlawful transaction with a minor in the third degree**” (KRS 530.070) may be filed on parents/guardians whose child is a habitual truant. This is a criminal charge and the parents will appear in District Court (not juvenile court). If guilty, the parents can serve 90+ days in jail and/or pay a fine.

HABITUAL TRUANCY- CHARGES FILED ON STUDENTS

In addition to the above, middle school and high school students who are habitual truants will have charges filed against them individually. These students and their parents will be required to meet with the Court Designated Worker (CDW) who will refer the students to juvenile court. The law has been expanded to cover students who are 18 years old.

HABITUAL TRUANCY- ADDITIONAL CHARGES FILED ON PARENTS

For habitual truants, a second charge of educational neglect or unlawful transaction with a minor may be filed on their parents/guardians

PARENT PORTAL: We encourage all parents to sign up for the parent portal, as well as have ongoing communication with their child’s school.

Mercer County Truancy Prevention Forms

This form is required **ONLY** after ten (10) medically excused absences or tardies or for reoccurring appointments. This form needs to be completed and turned in on the day of the student's return to school. There is a 5-day grace period to submit the documentation, but after five (5) days, it will be counted as unexcused.

PARENTS/(STUDENTS): PLEASE TAKE THE STUDENT'S ATTENDANCE PROFILE TO THE DOCTOR WITH YOU SO IT MAY ASSIST THE PHYSICIAN IN DETERMINING HOW MUCH THE ILLNESS & RELATED ABSENCES ARE IMPACTING THE CHILD'S REGULAR ATTENDANCE IN SCHOOL

Student Name: _____

Release of Information: I hereby authorize this healthcare provider to release the information requested on this form for my child listed above. I understand that this is a reciprocal release between the medical/mental healthcare provider listed below and Mercer County School employees to share educational information regarding school services (special educational services, 504 plans, G/T records, psychological testing, counseling issues, etc.), absences, grades, behavior, and medical information that are related to school absences in the hopes of preventing chronic absenteeism and improving school attendance. The information shared between the school and medical health care provider will remain confidential between the two parties unless the information is pertinent to the student's educational services, the safety of the student listed, or others.

Parent Signature

Date

If a student is to be absent for five or more consecutive days, please complete a homebound application.

1. Date of Appointment: _____ **Time of Appointment In:** _____ **Time Out:** _____

2. Is this student regularly seen in your office? ☐ Yes ☐ No

3. Reason for Appointment (check only one):

☐ Routine/Reoccurring Visit ☐ Follow-up Visit ☐ Orthodontic ☐ Dental ☐ Vision ☐ Emergency ☐ Tests

4. Was it medically necessary for this student to be absent the entire day of the appointment? ☐ Yes ☐ No

5. If no, would the student have to miss all day due to office location, etc.? ☐ Yes ☐ No

6. Date student may return to school: _____

7. Did the student /parent bring the student's attendance profile for you to review? ☐ Yes ☐ No

If so, please initial the attendance profile form.

8. Will the student have recurring follow-up appointments in your office (ex: weekly counseling visits, monthly orthodontist visits, etc.)? ☐ Yes ☐ No

9. If yes, how frequently and when? _____

**Parents: Please schedule recurring appointments after school hours, if possible.*

Health Care Provider Name _____

Address: _____

Phone: _____

Health Care Provider Signature:

Date

Principal Review & Signature

Date

CONSEQUENCES FOR VIOLATIONS:

School personnel is encouraged to use a wide variety of behavioral supports both to help students self-regulate their behavior and to pre-empt student misconduct wherever possible. When it is evident that these supports have failed to prevent inappropriate or unacceptable behavior, prompt, corrective action must be taken as defined herein. Students and parents/guardians can expect to be treated reasonably, fairly, and consistently whenever action is taken by school personnel to address student Code of conduct violations.

Behavioral violations of a minor nature should be handled by the **classroom teacher** who may choose from a variety of response options to include, but not limited to:

- Loss of privileges
- Detention
- Referral for counseling/mediation
- Verbal warning
- Other techniques established by the school handbook/council policy

Procedures for Identifying, Documenting, and Reporting Violations:

Office Discipline Referrals may be made by school personnel to a school-level administrator.

A referral shall be made:

- Whenever there is suspected illegal activity or safety risk;
- Whenever actions taken to address student misconduct have failed to correct the inappropriate or unacceptable behavior(s) involved; or
- Whenever the specific behavior(s) involved require other help.

In all cases, the referring person shall contact the parent and submit an office discipline referral form in accordance with school policy. Documentation of the violation and resulting administrative action, as indicated on the office discipline referral form, shall be kept by the assigned administrator, entered into the behavior database (Infinite Campus), and be made available upon request to the appropriate teachers, administrators, counselors, the student, or the parent by the provisions of FERPA.

Disciplinary action for elementary, middle, and high schools is to be administered by the principal or his/her designee.

For repeated or more serious violations, below are examples of consequences administrators may use but are not limited to

- Suspension (up to 10 days)
- In School Suspension
- Charges filed in court (Petition to juvenile court)
- Charges filed in court (Petition filed with the adult court)
- Verbal warning
- Teacher-student conference
- Notification of parents/ Parent conference
- Alternative Placement assignment
- Classroom isolation (removal of recess/lunch detention)
- Behavior contract
- Referral to police
- Referral to court-designated worker
- Refer to Board for Expulsion
- Discipline Committee Meeting or placement in Alternative Program

The Board does not permit the use of corporal punishment as a disciplinary technique.

RIGHT TO DUE PROCESS

Suspension, Expulsion, and Due Process (see Board policy 09.431 and 09.434 for additional information)

For certain violations, such as the Superintendent, Principal, or Assistant Principal may remove (suspend) a student from school for up to ten (10) days per incident.

Written Report Required: The Principal or Assistant Principal shall report any suspension in writing immediately to the Superintendent and to the parent of the student being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

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.

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.

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.

Expulsion of Students (See Board policy 09.435 for additional information)

The Board may expel or extend the expulsion of any student 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.

The Board shall require the expulsion from school for a period of at least twelve (12) months for a student who is determined by the Board:

1. Through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff of the District;
2. To have brought a weapon to a school under its jurisdiction per Board Policy 05.48.

The Board may expel a student for longer than twelve (12) months.

Behavior that may be determined to pose a threat shall include, but not be limited to:

- Physical assault
- Battery
- Abuse of others on or off school property (and the incident is likely to substantially disrupt the educational process);
- Threat of physical force;
- Being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol;
- Carrying, possessing, or transfer of weapons or dangerous instruments;
- Any other behavior that may endanger the safety of others.

The Superintendent shall present to the Board for its approval options for providing or ensuring that educational services are provided to expelled students.

Alternative Program: In lieu of expelling a student, or upon the expiration of a student's expulsion, the Superintendent may place a student into an alternative program or setting if the Superintendent determines the placement of the student in his or her regular school setting is likely to substantially disrupt the educational process or constitutes a threat to the safety of other students or school staff.

Disciplinary Committee may meet in lieu of an expulsion hearing to assign a student to an alternative placement. Members of the Disciplinary Committee may consist of Superintendent/Designee, Safe Schools Coordinator, School Administrator, and School Resource Office

Alternative Education Program (see board policy 09.4341)

This program is for middle and high school students to meet student needs that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience.

Purpose

The purpose of the Board's Alternative Education Program is to provide:

- Learning activities that support innovative pathways and are aligned to college and career outcomes for all students.
- A curriculum that is aligned with the Kentucky Academic Standards and the learning goals in each student's Individual Learning Plan (ILP).
- Successful student transition to the regular school assignment, when possible, or to post-secondary status.
- A meaningful alternative to suspension and/or expulsion of a student.

Alternative Education in Lieu of Expulsion: In lieu of expelling a student, or upon the expiration of a student's expulsion, the Superintendent may place a student into an alternative program or setting if the Superintendent determines the placement of the student in his or her regular school setting is likely to substantially disrupt the educational process or constitutes a threat to the safety of other students or school staff.

The alternative program or setting may be provided virtually. Students placed in an alternative program or setting shall be subject to compulsory attendance requirements under KRS Chapter 159 and applicable Board policy.

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

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

MERCER COUNTY SCHOOL DISTRICT BUS CONSEQUENCES

Riding a school bus is a privilege based upon 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/ Assistant Principal of the school which the pupil attends for necessary corrective action. Any Pupil who persists in violating any of the rules as outlined in the District Regulations for Pupils riding the school bus shall be reported to the Principal/ Asst. Principal of the school which they attend for disciplinary action.

Student's bus privileges shall be suspended IMMEDIATELY for:

- Use of combustible items including but not limited to lighters and smoking
- Fighting
- Vandalism
- Laser Lights
- Violent or threatening behavior
- Weapons (ex: gun) (See sections on weapons on page 16 of this Code)

Consequences for the behaviors listed above:

GRADES PRESCHOOL – 5th

- Kindergarten – 5th-grade students are subject to suspension from bus privileges. Disciplinary Action for bus infractions is at the discretion of the Principal/Asst. Principal

GRADES 6th -12th

Disciplinary Actions for bus infractions are at the discretion of the Principal/ Asst. Principal.

Administrators will consider the severity of the infraction and the frequency of the behavioral referrals.

Law violations and all major infractions may have school consequences in addition to bus consequences. (ex: in-school suspension, suspension from school, or expulsion from school.)

For disciplinary behaviors listed above that have been determined not to warrant long-term bus suspensions, consequences are as followed:

- First Offense: Riding privileges suspended from 1 day up to two weeks
- Second Offense of behavior listed above: Riding privileges suspended for 2 weeks up to the remainder of the school year.
- Third or more offense of behavior listed above: Riding privileges suspended up to the remainder of the school year.

In instances of vandalism resulting in damage to the bus: restitution for damages must be made not later than the last day of the two weeks of suspension or suspension will be continued until payment has been made. The principal will notify the driver when the student is allowed back on the bus.

Student's bus privileges may be suspended for the following behaviors:

- Other incorrigible bad conduct that endangers the lives of the other students preventing a safe ride to school
- Willful disobedience or defiance of authority
- Assault or abuse of school personnel
- Use of profanity or vulgarity
- Assault or abuse of other students (Fighting)
- Use or possession of alcohol, drugs, and tobacco products including synthetic and vapor products
- Stealing
- Destruction or defacing of school property or the personal property of students
- Carrying or use of weapons or dangerous instruments
- Students who tamper with the emergency door or any emergency exits

Bus Suspension

The amount of time suspended depends on the infraction & the number of previous substantiated bus referrals following the administration's investigation. Suspension ranges from a minimum of 1-day suspension to a maximum resulting in a suspension for the remainder of the school year. Consequences are to be determined based on the severity of the infraction and the frequency of the substantiated bus referral by the administration.

Administration may use the sequence below to help assist in their determination of the number of days the student may be suspended for infractions:

1 day 2 days 3 days 4 days 5 days 7 days 2 weeks Semester Remainder of Year

All major infractions are subject to Bus Suspension & Consequences in the School Setting (i.e., In-School Suspension, Suspension from School, Criminal Charges)

For Other Bus Conduct Infractions, any of the following actions may occur but are not limited to:

- Verbal or Written Warning
- Assign Seat
- Bus Driver May Contact Parent or Parent May Contact Bus Driver
- Principal/Assistant Principal Conference w/Student
- Principal/Assistant Principal Contact w/ Parent
- Detention or Alternative Classroom
- Loss of Recess or Privileges/ Lunch Detention

CELL PHONES (Not responsible for any electronic items stolen at school)

Use of cell phones to make false reports (Calling 911) or making harassing phone calls is a criminal act and will be reported to Local Law Enforcement.

SEARCH AND SEIZURE

Students have the right to be secure from unreasonable searches of their persons and property. However, school authorities are authorized to search a student if they have reasonable suspicion that the search will reveal evidence that the student has violated or is violating this Code or a school rule or the law. Also, school authorities may conduct general inspections of jointly-held property regularly. All searches will be conducted by Board policy. Students cannot expect to have complete privacy in their use of school property assigned for their use, such as desks and lockers.

SEARCH AND SEIZURE - RANDOM METAL DETECTOR SWEEPS

Random metal detector sweeps for weapons or dangerous instruments (including pocket knives) may be conducted during the year. If a classroom were selected for a random metal detector sweep, the students would be scanned with the metal detector with the principal/designee and another staff employee present. The student would be scanned individually and not in the presence of other students.

Metal detector sweeps for an individual student may be conducted if the Principal or Designee has reasonable suspicion a student may have a weapon, knife of any size, or dangerous instrument. Again, school authorities are authorized to search a student if they have reasonable suspicion that the search will reveal evidence that the student has violated or is violating this Code or a school rule or the law.

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. The dogs shall be certified as never having been trained as attack dogs. The Superintendent or designee shall be present. Searches involving dogs shall be conducted only when students are in classrooms or other designated safe areas; no student shall be in the vicinity of the site being searched. All dogs shall be on a leash and will not be allowed to come near any student.

Motor Vehicle Use

Conditions for Use

- With parental request, students under 18, and conditions prescribed by the school principal, high school pupils may be permitted to drive motor vehicles onto the school grounds. Vehicles shall be parked in designated areas on the school campus and are not to be visited or moved during the school day unless permission is given by the Principal.
- Privilege May Be Revoked
- Driving on the school grounds is a privilege that may be revoked if conditions are violated

Substance Abuse Violations

A student who violates any of the policies concerning substance abuse **shall** have his/her driving privileges suspended for a minimum of nine (9) weeks.

NO PASS/ NO DRIVE: 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.

Academic and Attendance Deficiencies

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

- They shall be deemed academically deficient if they have not received passing grades in at least 66% of their courses, taken in the preceding semester.
- They shall be deemed deficient in attendance when they drop out of school or accumulate nine (9) unexcused absences for the preceding semester. Suspensions shall be considered unexcused absences.
- Unexcused absences shall be reported at the end of each term.

Reinstatement of Driving Privilege

Students whose driving permits are revoked, but later meets 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. To review the full text of this law, please use the Legislative Research Commission's website at the following address:

www.lrc.ky.gov/record/07RS/record.htm <<http://www.lrc.ky.gov/record/07RS/record.htm>>.

GRIEVANCES

Board Policy 09.4281

Students and parents wishing to express an educational concern or grievance shall observe the following order of appeal:

1. Teacher
2. Principal
3. School council, where appropriate
4. Superintendent

Information on filing a formal complaint or grievance is available at each school and the Central Office.

REPORTING ON CODE VIOLATIONS

REPORTING ON CODE VIOLATIONS

Students wishing to report a violation of the Code of Acceptable Behavior and Discipline may report it to a classroom teacher, who shall take appropriate action or make an anonymous report using the Tipline. The teacher shall refer the report to the principal/designee for further action when the report involves an offense that may warrant suspension or expulsion of a student, any felony offense.

RETALIATION PROHIBITED

Employees and other students shall not retaliate against a student because he/she reports a violation of the Code or assists or participates in any investigation, proceeding, or hearing regarding the violation. The Superintendent or designee shall take measures needed to protect students from such retaliation.

REPORTING: Students who believe they are the victims of "retaliation" to report incidents immediately.

Students and/or parents of students may report a violation as outlined below:

- Report it to a teacher or counselor- The teacher or counselor will address the situation and/ or report it to the Principal/designee for further action.
- Report it directly to Principal/Assistant Principal- A student or parent may also make a direct report of the bullying or hazing to the principal/assistant principal of their school. The Principal designee **shall** investigate to determine further action.
- Report it to the District Level Safe Schools Coordinator- A student or parent may also make a direct report of the bullying/hazing to the Safe Schools Coordinator. The Safe Schools Coordinator shall work with the student, parent, and school administration to investigate to determine further action.

Access to Electronic Media

All students in the District will be required to sign an Acceptable Use Agreement to obtain a network account. A written request, signed by the student and his/her parent or legal guardian for minors [those under eighteen (18) years of age or non-emancipated] shall be required before a student will be allowed access to the Internet or e-mail. This document shall be kept as a legal, binding document and shall be in effect for the entire period the student is enrolled in that school. The student's parent/guardian ([or the student who is at least eighteen (18) years old or emancipated] must provide the Superintendent with a written request to rescind this agreement. Except in cases involving students who are at least eighteen (18) years of age and have no legal guardian, parents/guardians may request that the school/District:

- Provide access so that the parent may examine the contents of their child(ren)'s email files;
- Terminate their child(ren)'s email account and/or Internet access; and
- Provide alternative activities for their child(ren) that do not require Internet access.

Parents/guardians wishing to challenge information accessed via the District's technology resources should refer to Policy 08.2322/Review of Instructional Materials and any related procedures.

Users should not expect files stored on District servers or through District provided or sponsored technology services, to be private.

RULES AND REGULATIONS-STUDENTS

Although other conduct that materially or substantially disrupts the educational process, poses a threat to District property, or endangers others is prohibited, the following is a partial list of activities that are not permitted:

1. Violating State and Federal legal requirements addressing student and employee rights to privacy, including unauthorized disclosure, use, and dissemination of personal information.
2. Sending or displaying obscene messages or pictures, including those that involve:
 - Profanity or obscenity, or sending or displaying offensive messages or pictures. (Content is offensive under this procedure if it interferes with another individual's access to educational services or disrupts the educational environment.)
 - Harassing or intimidating communications. (Harassment is addressed in Board Policy 09.42811.)
3. Entering chat rooms except under the supervision of a teacher for a planned instructional activity.
4. Damaging computers, school/District websites, computer systems, or computer networks, including the intentional uploading of a computer virus or the creation of a virus.
5. Violating copyright laws, including illegal copying of commercial software and/or other protected material. (Each user is individually responsible for ensuring his/her usage does not violate any federal or state laws.)
6. Using other users' passwords or allowing someone else to use your password.
7. Trespassing in other users' accounts, files, directories, or work and/or harming or destroying data of another user.
8. Modifying system files used in the operation of the computer, the network, or the software installed on them.
9. Intentionally wasting limited resources which includes, but is not limited to, time, memory space, and paper, including downloading freeware or shareware programs. (Resources are deemed to be wasted if they are consumed or used for something other than a legitimate educational purpose related to the class or activity in which the individual utilizes the computer or if they are used or consumed without the permission of the teacher or network administrator.)
10. Using technology resources to bully, threaten or attack a staff member or student or to access and/or set up unauthorized blogs and online journals. (Bullying is defined in Board Policy 09.422)
11. Employing the network for commercial purposes or financial purposes.
12. Posting personal information of students and/or staff on any server without a signed Media/Web Page Release Form (09.14 AP.251).
13. Activities deemed to be a security risk to the network.
14. Vandalism/Defacement of the physical equipment.
15. Installation of any unauthorized software obtained from any source.
16. Bringing software from home and using it on the school system. (Except software that may be written by the student as part of a District programming class.)
17. Creation and/or posting of Internet material without the supervision of a staff member.

18. Revealing personal information including, but not limited to, home addresses, birth dates, social security numbers, phone numbers, credit card information, bank account number(s), or any other financial information. Your signature on any e-mail must use the school address only.
19. Print any material accessed from the Internet without permission of the staff person supervising your Internet activity.
20. Students in Primary through Fourth grade (P-4 may not visit any Internet site that has not been bookmarked for them by a staff member. They are allowed links to other sites only under the specific instruction of a staff member.)
21. Accessing the Internet without staff permission.
22. Accessing inappropriate sites. (A site is inappropriate if it is unrelated to the educational purpose of the class or activity for which the system is being utilized or if it causes a disruption to the educational environment.)
23. Use any email software that is not school provided.

If the user violates any of these provisions, District administrators may suspend his/her account subject to review by the Principal/designee. Disciplinary action could result in suspension from school and/or a notation on the student's permanent record card and future telecommunication access denied. The observing staff member who notes the infraction will complete a Discipline Report. All disciplinary actions shall be subject to the procedures outlined in other District Board policies, the District Code of Conduct, and the school handbook. School Technology Coordinators shall be notified of action(s) taken regarding the offending student

REPORTING VIOLATIONS

Anyone who knows of a violation of this procedure is encouraged to report the violation to a school administrator or network administrator. Any student or employee who believes he/she has been the victim of bullying, harassment, or other prohibited behavior under this procedure is requested to report the matter immediately to the school administrator or the network administrator so that an investigation can be conducted and disciplinary action taken if warranted.

PARENT PORTAL USE

The Mercer County School District uses Infinite Campus for student information management. Infinite Campus (IC) has developed a parent portal to allow parents/guardians to view the records of their child(ren) via the Internet. Mercer County Schools will provide parents/guardians of currently enrolled students the privilege of free access to the Parent Portal. Only parents or guardians of students enrolled in the district will be allowed access to the Parent Portal. Mercer County Schools reserves the right to deny or cease access to the Parent Portal due to the abuse of the portal, court orders, or any other legal proceedings that limit the availability of private, educational data.

PURPOSE

Mercer County Schools has opened the Parent Portal to enhance communication between the district and parents/guardians. Users of the Parent Portal will have access to the following information about their children:

- Personal Data
- Attendance
- View/Print Student Schedule
- Gradebook and Assignments

Mercer County Schools reserves the right to add to or remove any of the above functions from the Parent Portal at any time.

USE OF THE PARENT PORTAL

Access to the Parent Portal on the district's system is a privilege, not a right. Users of the Parent Portal are required to adhere to the following guidelines:

1. Users will act in a responsible, legal, and ethical manner.
2. Users will not attempt to harm or destroy data, the school, or the district network.
3. Users will not attempt to access data or any other account owned by another user.
4. Users will not use the Parent Portal for any illegal activity, including violation of data privacy laws. Anyone found to violate these laws may be subject to civil and/or criminal prosecution.
5. Users who identify a security problem with the Parent Portal must notify the district's Public Relations Department immediately without demonstrating the problem to anyone else.
6. Users will not share their passwords with anyone, including their children.
7. Users will not set their computer to automatically log in to the Parent Portal.
8. Users identified as a security risk to the Parent Portal or the Mercer County Schools' network will be denied access to the Parent Portal.

TECHNICAL ISSUES WITH THE PARENT PORTAL

Mercer County Schools is not liable for any issues related to your personal computer and reserves the right to refuse technical assistance directly related to your personal computer. Technical issues should be directed to the District's Director of Pupil Personnel office.

DATA INTERPRETATION

Data posted on the Parent Portal will vary based on the school your child attends. Teachers should have grades posted to the Parent Portal within one week of receiving the assignment. Some large assignments such as projects take more time to grade and thus will take more than the standard one week. Please contact your child's teacher with any questions. Schedules will be different from school to school as well as grading scales.

Personal Data

Personal Data is typically updated within one week of student registration. The volume of changes collected during the fall registration may delay updates beyond one week. Contact the Director of Pupil Personnel office if there is incorrect information displayed.

Class Assignments

Class assignments and scores can be viewed once teachers have posted them in the Infinite Campus grade book.

CODE DEVELOPMENT

By KRS 158.148 and 704 KAR 7:050, the Board shall develop a student discipline Code that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, legal guardians, or other persons exercising custodial control or supervision. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees.

The Code shall establish standards of acceptable student behavior and discipline and may include District-wide standards of behavior for students who participate in extracurricular and co-curricular activities. The Code also shall include a process addressing how students can report Code violations to District personnel for appropriate action.

DISTRIBUTION

Once reviewed and approved, the student discipline Code shall be available to students and parents in the District, including those students who enroll during the school year. The Code is available online to all students and employees of the district and to parents of students, including those who enroll after the beginning of the school year. Any parent, student, or staff who is unable to access the Code online, may request a hard copy from their school. On request, the Principal shall provide help for non-English speaking, blind, deaf, or non-reading students and parents so that they can have access to the information contained in this Code.

We welcome suggestions as to how to improve this document. Individuals may send written comments to the administrators at their child's school or Esther Hayslett, Safe Schools Coordinator, who will forward them to the Code Committee.

APPENDIX

VIOLATION OF STANDARD	RESOLUTION RANGE AND OPTIONS										
	ASSUMES VIOLATION OF CODE OF CONDUCT, RULES, AND/OR POLICIES HAVE OCCURRED and due process has been followed. Information in this chart is not intended to be a complete summation of board policies, or local, state, or federal laws. Mercer county staff retain the discretion to consider the totality of the circumstances as they make disciplinary decisions and as they assign consequences.										
	Student Conference/ Interventions May include Threat Assessment	Educational Class or Intervention (EX: Tobacco Cessation/ Truancy Diversion)	Reimbursement Clean or repair damage	Parent Involvement	Detention (After-School or Friday/ Saturday School	Removal of Student's Access to use	Item confiscated	Suspension (In-school and/ or Out-of-School)	Alternative Placement	Refer to Law Enforcement or Court Involvement	Expulsion/ Discipline Committee
Inappropriate use of ELECTRONIC instruments/ TELECOMMUNICATION DEVICES or AUP violation (Sexting/Bullying using technology)	✓			✓	✓	✓	✓	✓	✓	✓	✓
TARDINESS to class)	✓			✓	✓						
UNEXCUSED ABSENCES/ UNEXCUSED TARDIES	✓	✓		✓					✓	✓	
DEFIANCE OF AUTHORITY/ DISRUPTION OF A SCHOOL DAY	✓			✓	✓			✓	✓	✓	
DISORDERLY CONDUCT				✓	✓			✓	✓	✓	✓
DRESS CODE	✓			✓				✓			
VERBAL ABUSE	✓			✓				✓	✓	✓	
FORGERY	✓			✓	✓			✓		✓	
FORGERY OF DOCTOR'S NOTE or MEDICAL NOTE	✓			✓						✓	
THEFT			✓	✓				✓	✓	✓	✓
BULLYING/ HARASSMENT HARASSING COMMUNICATIONS	✓	✓		✓	✓			✓	✓	✓	✓
IN OFF-LIMITS AREAS or UNSUPERVISED AREAS	✓			✓	✓	✓		✓			
POSSESSION OR USE OF TOBACCO PRODUCTS and/or alternative types of Tobacco products including E-cigarettes or vaporizers	✓	✓		✓	✓		✓		✓	✓	
DESTRUCTION/DAMAGE TO PROPERTY	✓		✓	✓				✓	✓	✓	✓
FIGHTING		✓		✓	✓			✓	✓	✓	✓
ALCOHOL **		✓		✓				✓	✓	✓	✓
PHYSICAL ASSAULT**				✓				✓	✓	✓	✓
ARSON**				✓				✓	✓	✓	✓
DRUGS** (Including synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.		✓		✓			✓	✓	✓	✓	✓
WEAPON/ DANGEROUS INSTRUMENT (Any knives of any size including pocket knives) **	✓			✓			✓	✓	✓	✓	✓
EXTORTION/ROBBERY**				✓				✓	✓	✓	✓
EXPLOSIVE DEVICES**				✓				✓	✓	✓	✓
THREAT				✓				✓	✓	✓	✓

STATE & FEDERAL LAW REQUIRES SPECIAL CONSIDERATION & POSSIBLE DESIGNATION OF ALTERNATIVE CONSEQUENCES WHEN DEALING WITH BEHAVIOR & DISCIPLINARY ISSUES INVOLVING STUDENTS WITH DISABILITIES
SCHOOLS MAY INCLUDE A RANGE OF DISCIPLINARY CONSEQUENCES THAT COULD INCLUDE/ARE NOT LIMITED TO: TEACHER/STUDENT CONFERENCES, WRITING ASSIGNMENTS, ALTERNATIVE PLACEMENT, TIME-OUT, LOSS OF PRIVILEGES, AND DETENTION HALL.
The consequences of violations chart is intended to show the general range of consequences for certain violations of the Code of Acceptable Behavior and Discipline of Kentucky laws. However, each school is entitled to adopt more specific guidelines regarding the consequences of violations and students should consult the Student Handbook.

DISTRICT/SCHOOL PERSONNEL

Superintendent.....	
733-7000 Ext: 4008	
Transportation.....	
.733-7240 Ext. 1600	
Safe School Coordinator.....	
733-7000 Ext: 4001	
Special Programs Director.....	
733-7000 Ext: 4015	
Title IX Coordinator.....	
733-7000 Ext.: 4015	
Principal, Mercer County Senior High School.....	733-7160
Ext. 8106	
Principal, King Middle.....	
733-7060 Ext. 5138	
Principal, Mercer County Intermediate.....	733-7080
Ext. 3104	
Principal Mercer Elementary.....	733-7040
Ext. 2408	
Mercer County Day Treatment.....	733-7120
Ext.4103	
Mercer Central.....	
733-7120 Ext. 4103	
Mercer County District Technology Office.....	733-7200
Ext. 1501	
Mercer County Athletic Complex.....	733-7180
Ext. 8500	

FAMILY RESOURCE & YOUTH SERVICES CENTERS

Family Resource Center Mercer Elementary.....	733-7040
Youth Service Center King Middle.....	733-7060
Youth Services Center Mercer Senior High School & Day Treatment.....	733-7160
Family Resource Center Mercer County Central.....	733-7100
Mercer County Intermediate School.....	733-7080

OTHER COMMUNITY RESOURCES

Mercer County Adult Learning Center	734-4195
Comprehensive Care Center	734-5486
Haggin Hospital	734-5441
Mercer County Health Department	734-4522
Cabinet for Families and Children	734-5448
Court Designated Worker	734-0036
Mercer County Sheriff	734-4221

Military Opt-Out Form

We are required to disclose a student's name, address, and telephone listing at the request of Armed Forces recruiters, unless a parent or secondary school student, regardless of age, requests that this information *not* be disclosed.

Date

Dear Parent/Eligible Student,

This letter informs you of your right to direct the District to withhold release to military recruiters of the information described below for

Student's Name

School

Grade/Graduation Year

If you wish the information described below to be withheld, please choose one (1) of the two (2) options. Choose Option 1 if the District may not release any item; Option 2, if the District may release only selected items of information. Then check those items that may be released.

If we receive no response within thirty (30) days of the date of this letter, the information below will be subject to release without your consent. If you return this signed form on time, we will withhold the information consistent with your written directions, unless disclosure is otherwise required or permitted by law. Once there has been an opt-out of directory information disclosure, the District will continue to honor that opt-out until the parent or the eligible student rescinds it, even after the student is no longer in attendance.

Armed Forces Recruiters

Choose one of the Options below:

- **Option 1:** The District **MAY NOT RELEASE ANY** information listed below.
➤ **Option 2:** The District **MAY RELEASE ONLY** the information checked below.

If you choose Option 2, check the item(s) of the information listed below that the District may release.

Student's name
Student's address
Student's telephone number (if listed)

Parent/Eligible Student 18 or over/Student's Signature

Date

Student Name: _____
(Last Name) (First Name)

Mercer County School District Code of Acceptable Behavior and Discipline

The Mercer County Code of Acceptable Behavior & Discipline is available online on the district web page. Consent is collected electronically through the online registration application process. If you do not have access to the district web page or are unable to access these documents, please request a copy from your child's school.

www.mercer.kyschools.us

MERCER COUNTY STUDENTS & PARENTS

CONFIRMATION OF THAT YOU HAVE READ THE CODE OF ACCEPTABLE BEHAVIOR & DISCIPLINE

(Complete ONLY if you have not registered using the Online Application Process)

I have read:

Code of Acceptable Behavior and Discipline and Student Handbook and agreed to abide by its contents.

I have also read the following documents:

- Student Directory Information Notification (New Students need to complete, sign, and return)
- Military Opt-Out Form (New Students need to complete, sign, and return)
- Student Harassment/Discrimination Policy
- Drug & Alcohol Policy
- Random Student Drug Testing Policies and Procedures
- Electronic Access/User Agreement Form (New students need to complete, sign,)
- Electronic Access/User Agreement Form (All staff need to read policies due to amendments)
- Attendance Policy
- Bus Behavior & Consequences (Additional Bus Forms from Transportation must be reviewed, signed & returned.)
- Acceptable Use Policy (All students and parents need to read the Acceptable Use Policy as there are amendments to these policies.)

I have read the Code of Acceptable Behavior and Discipline and the above-mentioned policies. I agree to abide by their content.

A parent or Guardian's Signature

Date

Student's Signature

Date

School Name

Grade

ALL PARENTS & STUDENTS

MUST COMPLETE ONLINE REGISTRATION AND ELECTRONICALLY SIGN OR COMPLETE THIS FORM AND RETURN IT TO YOUR CHILD'S HOMEROOM TEACHER WITHIN ONE WEEK OF ENROLMENT IN MERCER COUNTY SCHOOL DISTRICT

MERCER COUNTY STAFF

CONFIRMATION OF RECEIPT OF CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE
(Please sign and return to your Principal or Immediate Supervisor.)

A copy of the following document has been made available to me and I have read it:

Code of Acceptable Behavior and Discipline, & Staff Handbook & agree to abide by its content.

The following copies are available to me and I have read the documents below included in the Acceptable Behavior and Discipline handbook:

- Drug & Alcohol Policy and Random drug testing policy
- Harassment/Discrimination Policy
- Electronic Access/User Agreement Form (New staff)
- Attendance Policy
- Acceptable Use Policy (All staff need to read the Acceptable Use Policy due to amendments and staff use of telecommunication device policy)
- Staff Hand Book- Online

The following board policies are available to me online and I have read the documents listed below:

- **Board Policy: 03.13251: AP 2. Employee Acknowledgement of Understanding for Drug/Alcohol Testing**
- **Board Policy: 03.13251 AP 1/ 03.23251AP 1: Drug-Free Workplace Notice**
- **Board Policy: 03.13251/03.23251 Drug-Free/Alcohol-Free Schools**
- **Board Policy: 03.13251 AP.11: Drug Testing Procedures**

I have read the Code of Acceptable Behavior and Discipline, attendance policy, drug and alcohol policy Harassment/discrimination policy, bus behavior, and consequences, and Acceptable Use Policy, and agree to abide by their content.

Staff Member Signature

Date

School Name or District Assignment

ALL STAFF
MERCER COUNTY SCHOOL DISTRICT
MUST SIGN AND RETURN TO YOUR PRINCIPAL or IMMEDIATE SUPERVISOR
WITHIN ONE WEEK OF OPENING DAY