

**WEBSTER COUNTY SCHOOLS  
STATEMENT ON EXPECTATIONS  
AND RESPONSIBILITIES  
STUDENT CODE OF CONDUCT  
2024-2025**



***“We Create Great Possibilities for Students”***

CODE	VIOLATION DESCRIPTION	CONSEQUENCES					
		<i>In response to student misconduct, an array of consequences focused on improving the behavior should be considered before action is taken.</i>					
		BEHAVIOR CONTRACT	DETENTION	WILL ROOM	SATURDAY SCHOOL	SUSPENSION	DISCIPLINE COMMITTEE OR BOARD HEARING
<a href="#">1.1</a>	<a href="#">Disruptive Behavior</a>	↔	↔	↔	↔	↔	
<a href="#">1.2</a>	<a href="#">Dress Code Incident</a>	↔	↔	↔	↔	↔	
<a href="#">1.3</a>	<a href="#">Violation of personal electronic/telecommunication device policy</a>	↔	↔	↔	↔	↔	
<a href="#">1.4</a>	<a href="#">Public Display of Affection</a>	↔	↔	↔	↔	↔	
<a href="#">1.5</a>	<a href="#">Any Other Class I Violation</a>	↔	↔	↔	↔	↔	
<a href="#">2.1</a>	<a href="#">Repeated Class I Violations</a>	↔	↔	↔	↔	↔	
<a href="#">2.2</a>	<a href="#">Tardy to Class</a>		↔	↔	↔	↔	
<a href="#">2.3</a>	<a href="#">Skipping Class</a>		↔	↔	↔	↔	
<a href="#">2.4</a>	<a href="#">Bus Rule Violation</a>		↔	↔	↔	↔	
<a href="#">2.5</a>	<a href="#">Dishonesty/academic cheating/plagiarism</a>		↔	↔	↔	↔	
<a href="#">2.6</a>	<a href="#">Disregard for Safety</a>		↔	↔	↔	↔	
<a href="#">2.7</a>	<a href="#">Insubordination/ failure to follow staff directions</a>		↔	↔	↔	↔	
<a href="#">2.8</a>	<a href="#">Non-controlled Substance Policy Violation</a>		↔	↔	↔	↔	
<a href="#">2.9</a>	<a href="#">Profanity/Vulgarity</a>		↔	↔	↔	↔	
<a href="#">2.10</a>	<a href="#">Violation of District Acceptable use Policy</a>		↔	↔	↔	↔	
<a href="#">2.11</a>	<a href="#">Tobacco/Distribution/Use Policy</a>		↔	↔	↔	↔	
<a href="#">2.12</a>	<a href="#">Any Other Class II Violation</a>		↔	↔	↔	↔	
<a href="#">3.1</a>	<a href="#">Repeated Class II Violations</a>			↔	↔	↔	
<a href="#">3.2</a>	<a href="#">Leaving Campus/Skipping School</a>			↔	↔	↔	

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		<i>In response to student misconduct, an array of consequences focused on improving the behavior should be considered before action is taken.</i>					
		BEHAVIOR CONTRACT	DETENTION	WILL ROOM	SATURDAY SCHOOL	SUSPENSION	DISCIPLINE COMMITTEE OR BOARD HEARING
<a href="#">3.3</a>	<a href="#">Forgery/Fraud/False Reporting/Information</a>			↔	↔	↔	
<a href="#">3.4</a>	<a href="#">Disorderly Conduct</a>			↔	↔	↔	
<a href="#">3.5</a>	<a href="#">Wanted Endangerment</a>			↔	↔	↔	
<a href="#">3.7</a>	<a href="#">Gambling</a>			↔	↔	↔	
<a href="#">3.8</a>	<a href="#">Hostile Environment</a>			↔	↔	↔	
<a href="#">3.9</a>	<a href="#">Stalking</a>			↔	↔	↔	
<a href="#">3.10</a>	<a href="#">Sexual Offense</a>			↔	↔	↔	
<a href="#">3.11</a>	<a href="#">Vandalism/Destruction School Property</a>			↔	↔	↔	
<a href="#">3.12</a>	<a href="#">Possession of Stolen Property</a>			↔	↔	↔	
<a href="#">3.13</a>	<a href="#">Trespassing</a>			↔	↔	↔	
<a href="#">3.14</a>	<a href="#">Any other Class III Violation</a>			↔	↔	↔	
<a href="#">4.1</a>	<a href="#">Repeated Class III Violation</a>			↔	↔	↔	
<a href="#">4.2</a>	<a href="#">Alcohol Distribution/Possession/Use</a>					↔	↔
<a href="#">4.3</a>	<a href="#">Arson</a>					↔	↔
<a href="#">4.4</a>	<a href="#">Assault</a>					↔	↔
<a href="#">4.5</a>	<a href="#">Burglary</a>					↔	↔
<a href="#">4.6</a>	<a href="#">Dangerous Instrument</a>					↔	↔
<a href="#">4.7</a>	<a href="#">Deadly Weapons Possession/Distribution/Use</a>					↔	↔
<a href="#">4.8</a>	<a href="#">Drug Possession/Distribution/Use</a>					↔	↔
CODE	VIOLATION DESCRIPTION	CONSEQUENCES					

		<i>In response to student misconduct, an array of consequences focused on improving the behavior should be considered before action is taken.</i>					
		BEHAVIOR CONTRACT	DETENTION	WILL ROOM	SATURDAY SCHOOL	SUSPENSION	DISCIPLINE COMMITTEE OR BOARD HEARING
<a href="#">4.9</a>	<a href="#">Terroristic Threat/Extortion</a>					↔	↔
<a href="#">4.10</a>	<a href="#">Kidnapping</a>					↔	↔
<a href="#">4.11</a>	<a href="#">Robbery/Theft</a>					↔	↔
<a href="#">4.12</a>	<a href="#">Sexual Assault/Rape</a>					↔	↔
<a href="#">4.13</a>	<a href="#">Terroristic Threat Staff/Bombs</a>					↔	↔
<a href="#">4.14</a>	<a href="#">Any Other Class IV Violation</a>					↔	↔

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[1<sup>st</sup> Review by WCBOE 2/12/2024](#)

[Approval by WCBOE 2/26/2024](#)

## 1.0 INTRODUCTION

The Webster County Public School District is committed to providing quality education for all students by promoting the use of Positive Behavioral Interventions and Supports (PBIS). 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. PBIS is the behavior component of a Multi-Tiered System of Supports (MTSS) that provides schools with a framework for utilizing high quality evidence-based instruction, intervention, and assessment practices to provide all students with a level of instruction and support that is matched to their needs.

MTSS/PBIS is built upon three tiers of intervention:

Tier 1 interventions refer to services all students receive in the form of academic and behavioral instruction. Tier 1 provides school-wide, and class wide supports and interventions available to all students to prevent problem behaviors, encourage pro-social 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 supports is to improve student performance and prevent further negative impacts on learning and social development.

Tier 3 interventions provide intensive supports that are 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.

This code was adopted by the Webster County Board of Education to help schools create a safe, positive, and respectful learning environment for all students and school personnel. We recognize that a school's learning climate and students' behaviors improve when students:

- Know what is expected of them at school.
- Believe they have the academic and social skills to achieve.
- Receive recognition and praise for doing good work and behaving appropriately.
- Feel there is someone at school who cares about them and encourages their development.

Students enrolled in the Webster County Public School system have the responsibility to observe and respect the rights of all others. The U.S. Supreme Court has held that a student may not be denied the opportunity to receive a public education without just cause established through due process of law. Responsible observance of others' rights requires behavior that does not threaten, interfere with, or deprive any others of educational opportunities.

*The Statement on Expectations and Responsibilities:* Student Code of Conduct was developed by a committee of parents, teachers, and administrators, appointed by the superintendent. A standing committee of the same makeup reviews and revises this code in compliance with board policy.

The developmental and review process requires:

1. A committee of individuals representing the groups listed above.
2. Compliance with Kentucky Department of Education guidelines.
3. Compliance with state regulations.
4. Review by legal counsel.
5. Review and adoption by the local board of education.

This code is intended to be a useful guide for supporting positive student behavior and correcting misconduct. It will take the collective efforts of students, parents, teachers, and administrators, from the first day of school to the last, to create a safe learning environment where all students can succeed. Working together, we will create a safe and productive school climate.

The *Statement on Expectations and Responsibilities: Student Code of Conduct* may be amended by the Webster County Board of Education at any time. Standard procedures relating to policy changes of the board shall apply to amendments to the code. Proposed amendments may be submitted by board members, the superintendent, principals, faculty, students, and parents. If a conflict exists between the *Statement on Expectations and Responsibilities: Student Code of Conduct* and adopted policies and procedures of the board, the policies and procedures shall govern.

Each principal shall provide a yearly orientation of this code to faculty members, staff members, and students. The Code of Conduct will be made available to parents and to all employees. A copy of the approved code will be available at each school and accessible on the district website. District provisions for effectively communicating with disabled and non-English speaking stakeholders will be incorporated based on need.

Issues, concerns, or questions relating to the *Statement on Expectations and Responsibilities: Student Code of Conduct* may be directed to the school principal.

The application of this code to matters of student behavior is not limited to school buildings and grounds or to times when the student is in route to or from school but extends to any activity that is school related or school sponsored, either on or off the school campus. The code also applies to behavior occurring off school grounds that threatens the safety and well-being of students or staff and directly affects the school's ability to ensure a safe learning environment for all students. It is not an all-encompassing document and occasionally may not address issues resulting from unusual circumstances. The prudent judgment and discretion of administrators shall prevail in such instances.

The Kentucky Education Reform Act provides for school-based decision making. As a part of this model, school councils are required to adopt policies to be implemented by the principal. Schools will have specific policies dealing with selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal. However, any SBDM council discipline policy must fall within the minimum and maximum parameters set out in this code.

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## 2.0 EXPECTATIONS FOR STUDENT BEHAVIOR

The district has both the authority and the responsibility to maintain behavioral expectations that assist students in their selection of actions and behaviors that not only contribute to safe, positive, and orderly learning environments, but also support high levels of student achievement as well [KRS 158.148, 158.440, 158.442, 158.645, 160.290 and 160.295; 704 KAR 7:050; FCPS 05.4 and 09.438]. Behavioral expectations for students shall apply at the district level, the school level, and the setting level.

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### 2.01 District Level

**District-level behavioral expectations shall always apply on school grounds. For the purposes of the Code of Conduct, the term “on school grounds” means any of the following:**

- While students are going to or from school or school-sponsored activities.
- While students are at school.
- While students are attending school-sponsored activities (e.g., field trips or sporting events).

**District-level behavioral expectations may apply off school grounds as well when a student's actions or behaviors can be demonstrated to reasonably impact any of the following:**

- The safety of the student.
- The safety of others (e.g., other students or school personnel).



- The orderly operation of the district.

**For the purposes of the code, the term “off school grounds” means any location other than those listed for “on school grounds” above.**

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### **2.02 School Level**

Additional behavioral expectations apply for students at each school and in other settings within the school. These will either be provided to students and parents by school personnel at the beginning of the school year or when a student is enrolled. In some cases, expectations may be posted when required by the Webster County Board of Education.

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### **2.03 Setting Level**

Additional behavioral expectations apply for students in each classroom or participatory setting, including buses. These will either be provided to students and parents by school personnel at the beginning of the school year or when a student is enrolled. In some cases, expectations may be posted when required by the Webster County Board of Education.

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## **3.0 BEHAVIOR MANAGEMENT OVERVIEW**

Webster County Public Schools is committed to limiting exclusionary discipline practices. We believe the school environment should be characterized by positive interpersonal relationships among students and between students and staff. Before disciplinary action is taken students must first be supported in learning the skills necessary to enhance a positive school climate and avoid negative behavior. Schools will teach positive school rules and social skills, positively reinforce appropriate student behavior, provide early intervention, and support strategies for misconduct, and use logical, meaningful consequences, including restorative practices.

School personnel are encouraged to use a wide variety of behavioral supports both to help students self-regulate their behavior and to pre-empt misconduct wherever possible. When it is evident that these supports have failed to prevent inappropriate or unacceptable behavior, it is essential that prompt, corrective action be taken as defined herein.

Students and parents can expect to be treated reasonably, fairly, and consistently whenever action is taken by school personnel to address violations of this code. The remaining sections of this Statement of Expectations & Responsibilities: Student Code of Conduct detail the basis for the expectations summarized in this section.

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### 3.01 Responsibilities (Administrators)

Each school level administrator is responsible for:

- Defining, teaching, reinforcing, modeling, and reviewing school level behavioral expectations to achieve a safe, civil and respectful school environment that: 1) is conducive to learning; and 2) promotes the rights of others.
- Communicating with school personnel, parents, students, and community agencies (where applicable) about: 1) school level behavioral expectations; 2) procedures and programs that teach, reinforce, model and review expectations for appropriate student behavior; and 3) evidence-based interventions that foster expected student conduct through targeted behavioral skill development.
- Encouraging all school staff, parents, visitors, and volunteers to acknowledge and reinforce positive student behaviors.
- Notifying the Webster County Law Enforcement as necessary to protect the safety, health and welfare of students and staff.
- Complying with the Individuals with Disabilities Education Act (IDEA), Section 504 and applicable Kentucky procedural safeguards for discipline of students with disabilities.
- Making reasonable efforts to meet with parents and considering their input.
- Documenting the actions taken to address student misconduct.
- Using data to monitor and evaluate progress and effectiveness of behavior management strategies.

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### 3.02 Responsibilities (Teachers)

Each teacher is responsible for:

- Defining, teaching, reinforcing, modeling, and reviewing setting level behavioral expectations to achieve a safe, civil and respectful classroom environment that: 1) Is conducive to learning; and 2) promotes the rights of others.
- Developing procedures to encourage and acknowledge these behaviors.
- Explaining inappropriate or unacceptable behaviors to students.
- Developing procedures to discourage inappropriate or unacceptable behaviors.
- Taking action to correct, redirect or resolve inappropriate or unacceptable behaviors.
- Following all school policies and procedures.
- Maintaining a positive, professional attitude toward all students.
- Documenting the actions taken to address student misconduct.
- Using data to monitor and evaluate progress and effectiveness of behavior management strategies.

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### 3.03 Responsibilities (Parent)

Each parent is responsible for:

- Stressing to your child the importance of education and learning.
- Making sure your child attends school on time every day.
- Keeping the school aware of and providing documentation of any custody changes involving your child.
- Providing resources to help your child complete class work and homework.
- Being involved with school activities.
- Keeping in touch with the school about your child's progress.
- Communicating with school and district personnel in a civil manner.
- Participating in parent/teacher conferences and other school-requested meetings regarding your child's academic performance.
- Cooperating with the school if disciplinary action is necessary.

- Notifying 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.
- Remaining familiar with the WCPS Student Code of Conduct and policies of the school.

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### 3.04 Responsibilities (Student)

Each student is responsible for:

- Acting safely at all times.
- Taking care to protect your belongings.
- Keeping school doors closed to visitors and following proper visitor check-in procedures.
- Informing school personnel immediately if you become aware of threats, weapons/dangerous instruments on school property or other safety concerns or violations of this code.
- Attending school and classes regularly and arriving on time with needed materials.
- Doing your best to meet the requirements of each class or course.
- Knowing your grades.
- Telling your parents about your grades.
- Being responsible for your grades and conduct.
- Earning grades fairly without cheating or plagiarism.
- Knowing all school rules and the consequences for violating them.
- Respecting and cooperating with teachers, school staff, and other students.
- Respecting the rights of others.
- Respecting personal or school property.
- Honoring reasonable requests made by school district employees and student teachers.
- Completing classroom work or school activities without creating disorder or invading the rights of others.

**\* Lost or stolen personal items are the responsibility of the student or parent and are not covered by the school district's insurance.**

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### 3.05 Expectation Summary (Parents)

As a parent, you can expect:

- To be respected as an individual regardless of race, color, national origin, sex, religion, disability, age, sexual orientation, or gender identity.
- To be treated with courtesy by all members of the school staff.
- To be informed about academic requirements, school programs, grading, and promotion policies, and to have access to board and school-based decision-making council policies and administrative procedures.
- To participate in parent/teacher conferences.
- To have access to your child's cumulative records, written work, and student portfolios, request the removal or correction of any false or misleading information, or request the names and addresses of outside recipients of information about my child (see [Section 9.01](#)).
- To have information about programs for exceptional students and to participate in decisions regarding your child's placement in a special education class.
- To receive any available help to further the educational progress and improvement of your child.
- To expect classroom discipline to be maintained and to be informed of any documented disciplinary steps taken affecting your child.
- To receive prompt and appropriate communications about your child.
- To have the privilege of participating in school level groups (PTA, PTSA, SBDM, etc.) that deal with school policy, program development and evaluation and dissemination of information.

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### 3.06 Expectation Summary (Students)

As a student, you can expect:

- To be respected as a worthwhile person, regardless of race, color, national origin, sex, religion, disability, age, sexual orientation, or gender identity and to be free from verbal, physical, or sexual abuse or threat of abuse by other students or Webster County Public Schools employees. You have an expectation to be treated with respect. All forms of discipline that are cruel and unusual, that tend to demean or humiliate, or that are excessive, unreasonable, or degrading are prohibited. Although, as a student, you are not to be subjected to physical abuse from other students or staff, teachers and administrators may use reasonable physical force allowed by law to restrain a student in self-defense, to protect another student from injury, or to preserve order.
- To receive a Free Appropriate Public Education (FAPE) through the 12th grade, upon graduation or until age 21 (twenty-one). This right may not be denied without due process.
- To receive grades based only upon academic performance, never to reflect punishment for misconduct. You are also entitled to an explanation of how grades are determined in each class.
- To be provided academic and behavioral interventions to promote success.
- To be told about all school rules and policies and procedures.
- To see your school record (in accordance with state and federal law) and have questions explained and mistakes corrected. Your school records are confidential. Other than school staff and certain other agencies approved by federal law, no person may inspect, review, or transfer your education records without your consent (if you are 18 years of age), or without the consent of your parent (if you are under 18 years of age or you are your parent's dependent), or without a properly issued court order or lawfully issued subpoena (See [section 9.01](#)).
- To make up work upon returning to school from an absence (see [Section 4.03](#)). It is your (or your parent's) responsibility to contact teacher(s) concerning make-up work during planning periods or before or after school hours. Upon returning to school from one or more absences, you will receive the same number of days that you were absent, plus one additional day, to complete and turn in make-up work. Announced tests, major projects or term papers for which you had an adequate time to study or prepare shall be made up on the day of return.
- To exercise freedom of expression, including speech, assembly, appearance, publication, and the circulation of petitions, if the exercise of these rights does not disrupt the educational process of the school or threaten the health and welfare of staff and other students.

o In order to effectively participate in the democratic process as an adult, you must respect the rights of others and interact with them in a civil manner. Therefore, as a student, you must speak and behave in a civil manner toward students, staff, and visitors to the school. The use of lewd, profane, or vulgar language is prohibited. In addition, you shall not engage in behaviors such as hazing, bullying, menacing, taunting, stalking, assault, verbal or physical abuse of others, or other threatening behavior. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered. These provisions shall not be interpreted to prohibit civil exchange of opinion or debate protected under the federal and state constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process.

o You may organize or participate in assembly programs, public forums, club assemblies, and other such meetings as long as the school administration has agreed, and the established policies of the school are followed. Groups or clubs must follow established board guidelines, may not disrupt the orderly educational process, and may not discriminate against any student because of race, color, sex, religion, national origin, economic status, age, disability, sexual orientation, or gender identity.

o You may wear, display, or distribute buttons and insignias as long as the message does not mock, ridicule, demean, or provoke others because of race, color, national origin, sex, religion, disability, age, sexual orientation or gender identity, contain obscenities, or contain materials of a slanderous, defamatory character; however, the exercise of this right shall not disrupt the educational process of the school, threaten the health and welfare of staff and other students, or otherwise violate the established student dress code. The school may establish rules and regulations regarding dress or

appearance. Any such rules, however, must relate to a specific educational objective such as health, safety, full participation in classes or school activities, or prevention of disruption of the educational process.

o You have the right to distribute leaflets, newspapers, or other literature on school grounds and in the school as long as you follow the school regulations clearly describing the procedures for such distribution. Such distribution must not interfere with normal school activities and must not violate the rights of others. The school may establish policies for official school publications including policies concerning publication of libelous, disruptive, or obscene materials.

These policies shall be consistent with governing legal standards and must be consistent with the rules and regulations of the board. The student staff of a school publication is responsible for becoming aware of legal responsibilities and the consequences for failure to follow the policies.

- To be secure from unreasonable searches of person and property and from unreasonable seizure of property. School officials have the right to search you or your property if the officials have a reasonable suspicion that you may possess something that violates school rules or endangers others (see [Section 8.03](#)).
- To receive due process when any charge or accusation has been made against you. Due process is the right of all citizens. When any charge or accusation has been made, you are entitled to the protection of procedural due process where applicable. (See [Section 6.0](#)).

**Note: Unless a provision of law or board policy requires otherwise, the term, parent, used throughout this code includes a legal guardian or custodian. In some contexts, the term, parent, also legally includes any person exercising custody/control over a student.**

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### 3.07 Office Discipline Referrals

Referrals may be made by school personnel to a school-level administrator. A referral shall be made:

- 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.

Prior to any office referral or disciplinary measure, students should first be supported in learning the skills necessary to function in the school environment and to avoid negative social behavior. Guiding principles that set clear expectations and the development of tiers of support (MTSS) that increase in intensity according to the needs of the student enable staff to evaluate and address student misconduct more effectively. In response to student misconduct, an array of consequences focused on improving the behavior should be considered before action is taken. Whenever possible, positive interventions and/or corrective actions should be used before or instead of suspension.

In all cases, the referring person shall complete and submit an office discipline referral form in accordance with school policy.

Violation and resolution records, as indicated on the office discipline referral form, shall be kept by the assigned administrator, entered into the WCPS behavior database (Infinite Campus), and be made available upon request to the appropriate teachers, administrators, counselors, the student, or the parent in accordance with the provisions of FERPA and KFERPA.

Disciplinary action for elementary, middle, and high schools is to be administered by the principal or his/her designee according to the Behavior Management Matrices for Violations (see [Section 5.03](#)).

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## 4.0 STUDENT CODE OF CONDUCT VIOLATIONS

### 4.01 Definitions

The definitions of code violations are listed on the following pages. Where applicable, the definitions provided are not intended to create the elements of a crime as set out in the Kentucky Penal Code. Violations are separated into four classifications ranging from relatively minor misconduct in Class I to relatively extreme misconduct in Class IV.

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### **CLASS I MISCONDUCT**

A Class I code violation includes relatively minor misconduct that rarely, if ever, has the potential to result in consequences outside of the district:

**1.1 DISRUPTIVE BEHAVIOR:** This Class I violation means continuing to cause an interruption on the way to or from a class or activity or in a class or activity despite the corrective efforts of school personnel.

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**1.2 DRESS CODE INCIDENT:** This Class I violation means dressing in a manner that: 1) creates a distraction; 2) creates a disruption; or 3) otherwise violates the school dress code.

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**1.3 VIOLATION OF PERSONAL ELECTRONIC/TELECOMMUNICATION DEVICE POLICY:** This Class I violation means possessing or using (turning on) a device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor [KRS 158.165(2)] either during a restricted time or in a manner that has disrupted the setting.

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**1.4 PUBLIC DISPLAY OF AFFECTION:** This Class I violation means touching, hugging, kissing or fondling in public that is beyond casual contact and that creates, or has the potential to create, a disturbance of the setting or school.

**Examples:**

- Engaging in consensual non-verbal conduct of an intimate nature that disrupts the learning environment in view of one or more bystander(s) (e.g., sitting on the lap, massaging or kissing another student).
- Touching another student in a suggestive manner (e.g., "grinding" or "twerking" while dancing).

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**1.5 Any Other Violation or Disruption of Educational Process which the Principal may reasonably deem to fall within this category. See [KRS 158.150](#).**

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## **CLASS II MISCONDUCT**

A Class II code violation includes relatively moderate misconduct that occasionally has the potential to result in consequences outside of the district:

**2.1 Repeated Class I VIOLATIONS-** *ELEM four or more repeated violations,*

*MS/HS four or more repeated violations*

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**2.2 TARDY TO CLASS:** This Class II violation means tardiness to any class or activity without the authorization of an administrator or staff member.

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**2.3 SKIPPING CLASS:** This Class II violation means being on campus but missing any portion of class or assigned activity without knowledge and authorization of an administrator or staff member.

*NOTE: Refer to individual school policy on class tardiness and skipping.*

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**2.4 BUS RULE VIOLATION:** This Class II violation means any behavior that: 1) may create a safety problem on a bus; or 2) otherwise violate the district bus disturbance policy.

### **2.5 DISHONESTY/ACADEMIC CHEATING/PLAGIARISM**

- **Dishonesty: Non-Criminal Cheating:** This Class II violation means copying/plagiarizing another's work and submitting it as one's own.
- **Dishonesty: Non-Criminal False Reporting:** This Class II violation means: 1) Providing false information to a school official; or 2) Tampering with, altering or destroying an unofficial document, note or signature.
- **Dishonesty: Non-Criminal Failing to Report:** This Class II violation means withholding information about an unofficial matter from a school official.

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**2.6 DISREGARD FOR SAFETY:** This Class II violation means any action or behavior with the potential to injure the student or others.

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**2.7 INSUBORDINATION: FAILURE TO FOLLOW STAFF INSTRUCTIONS:** This Class II violation means any verbal, physical or symbolic: 1) Refusal to comply with reasonable requests of school personnel; 2) Refusal to obey classroom and school rules in a manner more severe than disrespect; or 3) Failing to accept school imposed disciplinary measures.

**2.8 NON-CONTROLLED SUBSTANCE POLICY VIOLATION:** This Class II violation means the possession, use, distribution or sale of any over-the-counter (OTC) product or non-controlled prescription medication in a manner inconsistent with established procedure.

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## **2.9 PROFANITY/VULGARITY**

**Offensive Speech/Actions; Gang Activity (Promoting):** This Class II violation means displaying signs, signals or gestures indicative of affiliation or advertisement of an organized gang, group or organization which advocates disruption or violence or has a history of group violence or disruption.

**Offensive Speech/Actions; Profanity or Vulgarity:** This Class II violation means using profanity, not directed at a person, that includes swearing or the use of vulgar or inappropriate words, objects or gestures in a way that causes disruption or alarm.

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**2.10 VIOLATION OF DISTRICT ACCEPTABLE USE POLICY:** This Class II violation means any failure to use district-owned hardware, software, electronic devices, Web pages or networks for intended educational uses as described in the WCPS Acceptable Use Policy (AUP). Students who violate their school's AUP are subject to the same disciplinary actions as prescribed by the Student Code of Conduct for similar offline behaviors and are at the discretion of the school administration.

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**2.11 TOBACCO DISTRIBUTION/POSSESSION/USE:** This violation means the distribution, possession, or use of any tobacco product, alternative nicotine product, or vapor product, as defined in KRS 438.305, by any students.

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**2.12 Any Other Violation or Disruption of Educational Process which the Principal may reasonably deem to fall within this category.** See [KRS 158.150](#).

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## **CLASS III MISCONDUCT**

A Class III code violation includes relatively serious misconduct that often has the potential to result in consequences outside of the district:

**3.1 Repeated Class II VIOLATIONS-**      *ELEM four or more repeated violations,*  
*MS/HS four or more repeated violations*

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### **3.2 LEAVING CAMPUS, SKIPPING SCHOOL**

**Unexcused Absence: Closed Campus Violation:** This Class III violation means leaving school campus at which you are enrolled without the principal's permission (see Section 4.03).

**Unexcused Absence: Skipping School:** This Class III violation means being absent from school without parental or school authorization.

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### **3.3 FORGERY/FRAUD(FALSE REPORTING/INFORMATION)**

**Dishonesty: Criminal (False Fire Alarm):** This Class III violation means [KRS 519.040(1)]: 1) Knowingly causing a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, that deals with emergencies involving danger to life or property; or 2) Initiating or circulating a report or warning of an alleged occurrence or impending occurrence of a fire or other emergency under circumstances likely to cause public inconvenience or alarm when he knows the information reported, conveyed or circulated is false or baseless.

**Dishonesty: Criminal (False Report):** This Class III violation means [KRS 519.040(1)]: 1) Reporting to school personnel or law enforcement authorities an offense or incident within their official concern knowing that it did not occur; 2) Furnishing school personnel or law enforcement authorities with information allegedly relating to an offense or incident within their official concern when the student knows he has no information relating to such offense or incident; or 3) Knowingly giving false information to any school personnel or law enforcement officer with intent to implicate another.

**Dishonesty: Criminal (Forgery):** This Class III violation means falsely making, completing or altering a written instrument with intent to defraud, deceive or injure [KRS 516.020 through 516.040].

**Dishonesty: Criminal (Fraud):** This Class III violation means obtaining money or property by false pretenses.

**Dishonesty: Criminal (Obstruction):** This Class III violation means intentionally impairing or hindering the performance of a governmental function by using or threatening to use violence, force or physical interference [KRS 519.020(1)].

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**3.4 DISORDERLY CONDUCT:** This Class III violation means being in a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof [KRS 525.060(1)]. 1) Engaging in fighting or in violent, tumultuous, or threatening behavior; 2) Making unreasonable noise; 3) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to an emergency; or 4) Creating a hazardous or physically offensive condition by any act serving no legitimate purpose.

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### **3.5 WANTON ENDANGERMENT**

**Wanton Endangerment: Hazing:** This Class III violation means advising, counseling or compelling someone to participate in an act that injures, degrades or disgraces the participant or other person.

**Wanton Endangerment:** This Class III violation means engaging in conduct that creates a substantial danger of death or physical injury to another person [KRS 508.060(1) and 508.070(1)].

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**3.6 FIGHTING - STUDENT TO STUDENT (PHYSICAL AGGRESSION):** This Class III violation means engaging in mutual aggressive physical actions, involving physical contact where some injury may occur.

***NOTE: Self-defense is determined solely by the school administrator.***

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**3.7 GAMBLING:** This Class III violation means staking or risking something of value upon the outcome of a contest, game, gaming scheme, or gaming device that is based upon an element of chance, in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome, on school property or at a school-sponsored event.

*NOTE: This violation does not include school-sanctioned activities of chance.*

### **3.8 HOSTILE ENVIRONMENT**

**A - Bullying:** This Class III violation means intentional, repeated hurtful acts, words or other actions or behaviors that involve an imbalance of power.

*NOTE: Bullying- S.B. 228/H.B. 316 defines bullying 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."*

**B - Disrespectful Behavior:** This Class III violation means using abusive and demeaning language using words that: 1) Attack or injure an individual; 2) Cause one to believe an untrue statement; or 2) Speak falsely of an individual.

**C - Harassing Communication:** This Class III violation means performing any of the following with intent to intimidate, harass, annoy or alarm another person [KRS 525.080(1)]: 1). Communicating with a person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; 2) Making a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or 3) Communicating, while enrolled as a student in a school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, mail, or any other form of electronic or written communication in a manner which a reasonable person should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and that serves no purpose of legitimate communication.

**D - Harassment (Non-Sexual):** This Class III violation means performing any of the following with intent to intimidate, harass, annoy or alarm another person [KRS 525.070(1)]. 1) Striking, shoving, kicking or otherwise subjecting a person to physical contact; 2) Attempting or threatening to strike, shove, kick, or otherwise subject a person to physical contact; 3) Making an offensively coarse utterance, gesture, display, or address containing abusive language to any person present in a public place; 4) Following a person in or about a public place or places; 5) Engaging in a course of conduct or repeatedly committing acts that alarm or seriously annoy such other person and that serve no legitimate purpose; or 6) "Pantsing" or any other act that causes exposure of another student's private areas with the intent of causing embarrassment or humiliation to the student. This includes being enrolled as a student in a local school district, while on school premises, on school-sponsored transportation, or at a school-sponsored events.

**E - Menacing:** This Class III violation means intentionally placing another person in reasonable apprehension of imminent physical injury [KRS 508.050(1)].

**F - Stalking:** This Class III violation means engaging in an intentional Course of Conduct directed at a specific person or persons. 1) Seriously alarms, annoys, intimidates or harasses the person or persons; and 2) Serves no legitimate purpose.

**G - Threatening another student; Threat, Intimidation, or Physical Aggression:** This Class III violation means a domineering, forceful, or assaultive physical action, by other than accidental means, which hurts another person or animal. All non-accidental behavior that causes physical injury to another person is intended to be encompassed by this definition or the statutory definitions of "assault" [KRS 508.010 through 508.030]; those definitions shall be read expansively to include all such behavior. This also can include using verbal messages or physical actions that convey the threat of physical contact where some injury may occur.

*NOTE: Acts motivated by race, color, national origin, age, religion, sex, gender identity, sexual orientation, disability, marital status, parental status, or any other reason not related to the student's individual capabilities may hinder the other party's health, safety, welfare or right to attend school or participate in school activities and will not be tolerated. Further, such acts may represent serious violations of civil and/or criminal law (see [Section 4.03](#) for harassment/discrimination complaints concerning denial of equal educational opportunities).*

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**3.9 STALKING:** This Class III violation means any non-mutual, non- consensual conduct involving gender or sex that is perceived by the recipient, a third party or a reasonable disinterested person to be so severe and/or pervasive, unwelcome, unsolicited, undesirable, abusive, sexually discriminatory, or offensive.

**Examples:**

- Engaging in prohibited physical actions or behaviors (e.g., making unwelcome sexual advances or lingering touches).
- Engaging in prohibited verbal actions or behaviors (e.g., making unwelcome requests for sexual favors or propositions/pressure for sexual activity; continuing to request a date or social time after disinterest has been made clear; making unwanted or offensive flirtations or jokes; making suggestive remarks; making sexual innuendos or double meanings; inquiring about someone's sexual preferences; pressuring someone for sexual activity as a condition of participation in an unrelated activity).
- Engaging in prohibited non-verbal actions or behaviors (e.g., displaying pornographic or sexually suggestive images, objects, materials, emails, text-messages or faxes; leering; whistling; making sexually suggestive gestures or facial expressions).
- Engaging in prohibited gender-specific actions or behaviors (e.g., making degrading remarks about a person's body).

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**3.10 SEXUAL OFFENSE**

**Offensive Conduct; Inappropriate Sexual Behavior:** This Class III violation means engaging in any mutual, consensual sexual activity.

**Offensive Conduct; Indecent Exposure:** This Class III violation means intentionally exposing genitals when he/she knows or should know that his/her conduct is likely to cause affront or alarm to a person under 18 (eighteen) years of age or older [KRS 510.148(1) and 510.150(1)].

**Offensive Conduct; Obscene/Pornographic Material:** This Class III violation means possessing or accessing any material, whether written, printed or electronic. 1) depicts or describes nudity or sexual conduct; and 2) lacks serious literary, artistic or other value.

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**3.11 VANDALISM/DESTRUCTION OF SCHOOL PROPERTY:** This Class III violation means a person [KRS 512.020 to 512.040]: 1) Intentionally or wantonly defaces, destroys or damages any property without having the right to do so or any reasonable ground to believe that he or she has such right; or 2) tampers with property so as to knowingly endanger the person or property of another.

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**3.12 POSSESSION OF STOLEN PROPERTY:** This Class III violation means the unlawful taking, possessing, carrying, leaving with, or riding away with property of the district or another person without threat, violence, or bodily harm.

**Theft: Possession of Stolen Property:** This Class III violation means buying, selling, receiving, or otherwise possessing property stolen from the district or another person.

*NOTE: All personal property is brought onto campus at the risk of its owner. The district is not responsible for personal property brought onto school campuses.*

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**3.13 TRESPASSING**

**Trespassing; Loitering:** This Class III violation means [KRS 525.0901(1)]: 1) Remaining in a public place for the purpose of gambling with cards, dice, or other gambling paraphernalia; or 2). Remaining in a public place for the purpose of unlawfully using a controlled substance; 3). Remaining in or about a school building or grounds, without having any reason or

relationship involving custody of or responsibility for a student or any other specific legitimate reason for being there and not having written permission from anyone authorized to grant the same.

**Trespassing: Unauthorized Entry:** This Class III violation means entering school outside of established hours of operation without administrator permission.

**Trespassing: Violation of Suspension Regulations:** This Class III violation means being on school grounds, on buses or at a school-sponsored activity without administrator permission while a suspension is in force.

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**3.14 Any Other Violation or Disruption of Educational Process which the Principal may reasonably deem to fall within this category.** See [KRS 158.150](#).

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## **CLASS IV MISCONDUCT**

A Class IV code violation includes relatively extreme misconduct that virtually always has the potential to result in consequences outside of the district:

**4.1 Repeated Class III VIOLATIONS-**      *ELEM four or more repeated violations,*  
*MS/HS four or more repeated violations*

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**4.2 ALCOHOL DISTRIBUTION/POSSESSION/USE:** Distribution/Possession or Use violation means possessing or using a prohibited substance as defined in district policy (see [Section 4.02](#)).

*NOTE: Use of medications prescribed or ordered by a physician or dentist shall not be considered a violation of this policy (see Section 4.02).*

**Alcohol or Intoxicant: Transfer or Sale.** This violation means transferring or selling a prohibited substance as defined in district policy (see Section 4.02).

**Alcohol or Intoxicant: Under the Influence.** This violation means exhibiting noticeable behaviors, physical appearance, or odors consistent with use of alcohol, drugs or other intoxicating substances (includes all offenses of intoxication with the exception of driving under the influence).

*NOTE: In Kentucky, this offense equates to alcohol intoxication and/or public intoxication, which occurs when a person appears in a public place manifestly under the influence of a drug, alcohol, or intoxicating substance.*

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**4.3 ARSON:** This Class IV violation means an unlawful act that involves intentionally starting or attempting to start a fire in a school building or on school property.

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**4.4 ASSAULT:** This Class IV violation means an unlawful act that causes serious physical injury to another person by other than accidental means. All non-accidental behavior that causes physical injury to another person is intended to be encompassed by the statutory definitions of "assault" [KRS 508.010 through 508.030] or the definition of "Hostile Environment; Physical Aggression" and the definitions shall be read expansively to include all such behavior. NOTE: Victims of assault have the right to self-defense.

*NOTE: Acts motivated by race, color, national origin, sex, religion, disability, age, sexual orientation, gender identity, or any other reason not related to the student's individual capabilities may hinder the other party's health, safety, welfare or right to attend school or participate in school activities and will not be tolerated. Further, such acts may represent serious violations of civil and/or criminal law (see [Section 4.02](#) for harassment/discrimination complaints concerning denial of equal educational opportunities).*

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**4.5 BURGLARY:** This Class IV violation means knowingly entering or remaining unlawfully in a building (or vehicle) with the intent to commit a crime [KRS 511.020 to 511.040].

**4.6 DANGEROUS INSTRUMENT:** This Class IV violation means possessing, transporting, receiving, exchanging, selling, transferring, distributing, exhibiting or using any instrument, including parts of the human body (when a serious physical injury is a direct result of the use of that part of the human 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 4.02](#)).

*NOTE: This violation includes possessing, transporting, receiving, exchanging, selling, transferring, distributing, exhibiting or using fireworks (see Section 4.02).*

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**4.7 DEADLY WEAPON POSSESSION/DISTRIBUTION/USE:** This Class IV 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 (see [Section 4.02](#)).

**Deadly Weapon; Look-Alike:** This Class IV violation means possessing, transporting, receiving, exchanging, selling, transferring, distributing or exhibiting any look-alike or facsimile of a deadly weapon as defined above.

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**4.8 DRUG DISTRIBUTION/POSSESSION/USE:** This Class IV violation means possessing, distributing, or using a prohibited substance as defined in district policy (see [Section 4.02](#)). *NOTE: Using a medication prescribed or ordered by a physician or dentist as directed shall not be considered a violation of this policy.*

**Drug; Transfer or Sale.** This Class IV violation means transferring or selling a prohibited substance as defined in district policy (see [Section 4.03](#)).

**Drug; Under the Influence.** This Class IV violation means exhibiting noticeable behaviors, physical appearance or odors consistent with use of alcohol, drugs or other intoxicating substances (includes all offenses of intoxication with the exception of driving under the influence).

**4.9 TERRORISTIC THREAT(EXTORTION):** This Class IV violation means intentionally obtaining property of another by threatening to [KRS 514.080(1)]: 1) Inflict bodily injury on anyone or commit any other criminal offense; 2) Accuse anyone of a criminal offense; 3) Expose any secret tending to subject any person to hatred, contempt, or ridicule, or to impair his credit or business repute; 4) Use wrongfully his position as a public officer or servant or employee by performing some act within or related to his official duties, either expressed or implied, or by refusing or omitting to perform an official duty, either expressed or implied, in a manner affecting some person adversely; 5) Bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act; or 6) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense.

KRS 158.150 – Board of Education will review this Class IV with expulsion up to 12 months from date of incident.

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**4.10 KIDNAPPING:** This Class IV violation means unlawfully restraining another person with the intent [KRS 509.040(1)]: 1) To hold him or her for ransom or reward; 2) To accomplish or to advance the commission of a felony; 3) To inflict bodily injury or to terrorize the victim or another; 4) To interfere with the performance of a governmental or political function; 5) To use him or her as a shield or hostage; or 6) To deprive the parents or guardian of the custody of a minor, when the person taking the minor is not a person exercising custodial control or supervision of the minor as the term "person exercising custodial control or supervision" is defined in KRS 600.020.

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**4.11 ROBBERY/THEFT:** This Class IV violation means using or threatening the immediate use of physical force upon another person with the intent to accomplish theft [KRS 515.020 and 030].

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**4.12 SEXUAL ASSAULT/RAPE:** This Class IV violation means unlawful conduct as defined in KRS 510: 1) That involves subjecting another person to sexual contact (touching intimate parts) by forcible compulsion; or 2) With a person who is incapable of consent because of his or her age or disabling condition.

**SEXUAL OFFENSE; Prostitution:** This Class IV violation means engaging in or agreeing to offer to exchange in sexual conduct with another person in return for a fee [KRS 529.020].

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**4.13 TERRORISTIC THREAT STAFF/BOMBS:** This Class IV violation means [KRS 508.080(1)]: 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 578.075(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) [KRS 578.075(1)(b)]; 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 [KRS 508.078(1)(b)]; 5) Intentionally, without lawful authority, placing a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075 [KRS 508.078(1)(c)]; 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 [KRS 508.080(1)(a)]; or 7) Intentionally making false statements for the purpose of causing evacuation of a building, place of assembly, or facility of public transportation [KRS 508.080(1)(b)].

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

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**4.14 Any Other Violation or Disruption of Educational Process which the Principal may reasonably deem to fall within this category. See [KRS 158.150](#).**

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## 4.02 Related Notices: Law Violations

### **CRIMINAL VIOLATIONS**

Students may be charged with criminal violations in addition to violations of this code. Prosecution and court proceedings of criminal violations shall be outside the authority of this code and may proceed simultaneously with school sanctions for the same violations.

School or board employees who know or have reasonable cause to believe that a student has been the victim of a felony criminal violation under KRS Chapter 508 (assault, menacing, wanton endangerment, terroristic threatening, or stalking) committed by another student while on school property, on school sponsored transportation or at a school sponsored event are required to make an immediate report (oral or in writing) to the principal of the school attended by the victim.

The principal shall notify the parents, legal guardians, or others exercising custodial control over the student, the school director, and the Webster County Department of Law Enforcement. Within 48 (forty-eight) hours, the principal shall follow the original report with a written report containing the name and address of the student believed to be a victim of the crime and the name and address of his/her parents, the student's age, the nature of the incident and the name and address of the student believed to be responsible for the criminal violation.

To the extent practicable, the school and board employees should take steps to protect the identity of the complainant while reporting, investigating, or disciplining a student for violation of the code.

In addition to the above, the school principal shall proceed with appropriate disciplinary actions consistent with the provisions of this code.

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### **OFFENSES AGAINST SCHOOL DISTRICT PERSONNEL**

No student shall assault, threaten to assault, or physically or verbally abuse school district personnel or steal or willfully or wantonly deface, destroy, or damage the personal property of school personnel on school property, off school property, or at school-sponsored activities [KRS 158.150(1)(b), 161.190 and 508.025].

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### **THREATS OF VIOLENCE, ASSAULT AND TERRORISTIC THREATENING**

The Webster County Board of Education has adopted policies to protect students, teachers, and other school personnel from being subjected to assaultive or threatening behavior from students. Any student who threatens, assaults, batters, or abuses another student/school board employee shall be subject to appropriate disciplinary action, which may include suspension or expulsion from school, and/or legal action.

**Conduct and/or actions prohibited under this policy include, but are not limited to:**

- Verbal or written statements or gestures by students indicating intent to harm themselves, others, or property (including creating a "hit list").
- Physical attack by students to intentionally inflict harm to themselves, others or property.
- The act of threatening force or violence on another person.
- Making, or being involved in making, a threat that a bomb or chemical, biological, or nuclear weapon has been placed in or is about to explode in a school building, on school grounds, in a school bus, at a bus stop or at any school-sponsored activity.

When a student is believed to have made a threat of harm towards another student, teacher or other school personnel, the school or district shall take appropriate steps to investigate the alleged incident and take appropriate disciplinary and/or legal action. Procedures for investigating and responding to potential threats of harm may include, but are not limited to:

- Removal of the student from the classroom setting and/or from the district's transportation system pending further investigation or disciplinary action.
- Investigation of the alleged incident by the principal or his/her designee.
- Referral for threat assessment as detailed in the WCPS threat assessment protocol. The threat assessment may include the student and others being interviewed by the school psychologist, school counselor, or other qualified school personnel, and/or district personnel as needed.
- Notification of, and possible further investigation by, Law Enforcement.
- Notification of parents and others as required by state law and this Code.

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## DEADLY WEAPONS AND DANGEROUS INSTRUMENTS

Because of the differences in maturity of elementary students, elementary principals may enforce deadly weapon and dangerous instrument policies in a less restrictive manner than is outlined herein; otherwise, students engaged in the following offenses shall be recommended for expulsion:

- **Firearm/Explosive Device:**

Students who bring a firearm/explosive device onto school property or to a school activity shall be suspended from school for 10 (ten) days and the superintendent shall report the incident to the board for expulsion for a minimum of 1 (one) calendar year (365 days). The board may modify these recommendations on a case-by-case basis.

The principal shall report any incident, including those involving elementary students, to the superintendent. The superintendent's designee shall determine whether the student or students involved have identified disabilities. Students without such disabilities shall be referred to the board for an expulsion hearing. Cases concerning students with disabilities shall be reviewed by the appropriate Admissions and Release Committee (ARC) and determined on a case-by-case basis according to law. Additionally, the principal shall file a complaint/offense report with Law Enforcement for each such incident.

- **Deadly Weapon** (Other than Firearm/Explosive Device): In consideration for the safety of all students and staff, possession of a deadly weapon is considered a serious offense. Any middle or high school student in possession of such a weapon shall be suspended from school for 10 (ten) days per incident.

The principal shall report any incident, including those involving elementary students, to the superintendent. The superintendent's designee shall determine whether the student or students involved have identified disabilities. Students without such disabilities shall be referred to the board for an expulsion hearing. Cases concerning students with disabilities shall be reviewed by the appropriate Admissions and Release Committee (ARC) and determined on a case-by-case basis according to law. Additionally, the principal shall file a complaint/offense report with Law Enforcement for each such incident.

- **Dangerous Instrument:** Any student in possession of a dangerous instrument, which includes a pocketknife with a blade of more than 2.5 inches, may be suspended from school for up to 10 (ten) days per incident and may be recommended for expulsion.
- **NOTE:** *In addition to the disciplinary consequences outlined above, students may be subject to criminal prosecution for being in possession of deadly weapons or dangerous instruments on school property or on a school sponsored trip, whether openly displayed or concealed per KRS 527.070.*

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## **HARASSMENT/DISCRIMINATION**

The Webster County Board of Education has adopted policies prohibiting harassment and denial of equal educational opportunities for students. No discrimination is allowed based on race, color, national origin, sex, religion, disability, age, sexual orientation or gender identity.

**Prohibited Conduct: Conduct and/or actions prohibited under this policy include but are not limited to:**

- Name-calling, stories, jokes, pictures, or objects that are offensive to one's race, color, national origin, sex, religion, disability, age, sexual orientation, or gender identity.
- Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors.
- Members of one gender being subjected to sexual remarks of the other gender in the context of the classroom.
- Impeding the progress of a student by questioning the student's ability to do the required work based on the categories.
- Limiting student access to educational tools, such as computers, based on the categories.
- Teasing about a student's subject choice or assignment based on any of the categories.

When a student or parent believes, the student has been harassed or discriminated against, a complaint may be filed using Webster County Board of Education Harassment/Discrimination Complaint Procedure. A copy is available in the principal's office of each school, in the district directors' offices, or at [www.webster.kyschools.us](http://www.webster.kyschools.us)

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## **BULLYING**

Bullying refers to intentional, repeated hurtful acts, words, or other behaviors that involve an imbalance of power. These may include, but are not limited to, name calling, teasing, threatening, social exclusion, and cyber bullying. Cyberbullying refers to the use of Information and Communications Technology (ICT), particularly mobile phones and the Internet, deliberately to upset someone else. Cyberbullying is a sub-set or method of bullying. Cyberbullying can include a wide range of unacceptable behaviors, including harassment, threats, and insults, and like face-to-face bullying, cyber-bullying is designed to cause distress and harm. Bullying may be physical, verbal, emotional, or sexual in nature.

In addition to bullying, students shall not engage in behaviors such as hazing, menacing, taunting, verbal, or physical abuse of others, including staff, or other behavior that disrupts a student's access to an education or is harmful to his/her well-being. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process. However, students who violate this policy shall be subject to appropriate disciplinary action. Any student who feels that he or she has been the victim of bullying/hazing, or any other violation of this code should immediately report the incident to any teacher, counselor, or administrator in the student's school. Allegations of harassment or discrimination shall be managed in accordance with Webster County Board of Education policies.

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## ALCOHOL, DRUGS, SYNTHETIC DRUGS & INTOXICATING SUBSTANCES

No student shall possess, use, be under the influence of, sell, or transfer alcoholic beverages, narcotics, drugs, counterfeit drugs, look-alike drugs, or other intoxicating substances, nor possess, sell, or transfer drug paraphernalia on school property, in route to or from school, or at any location of a school-sponsored activity. Because of the differences in maturity of elementary students, elementary principals may enforce drug, alcohol, intoxicating substance policies in a less restrictive manner than is outlined in this section.

**Drugs Defined:** Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance that may be added by the Kentucky Cabinet for Families and Children under regulations pursuant to KRS 218A.020 or KRS 217.900(2). Drugs shall also refer to any intoxicating substance, including synthetic drugs or other substances however taken or used, including by inhaling, ingesting, and/or injecting. Drugs shall also refer to any prohibited volatile substance as defined in KRS 217.900 used or intended for an abusive or intoxicating purpose. Use of medications prescribed or ordered by a physician or dentist as directed by the physician or dentist shall not be considered a violation of this policy.

### POSSESSION, USE OR UNDER THE INFLUENCE:

**First Offense: A first offense for possession, use, or being under the influence of drugs/drug paraphernalia, alcohol or an intoxicating substance** shall result in a 10 (ten) day suspension and a referral for expulsion or alternative plan to the superintendent from the principal/disciplinary committee. Five (5) days of this suspension shall be postponed and not enforced for the remainder of the school year, if the family, at its expense:

- Seeks or consents to referral for evaluation of the student's alcohol or drug usage from a qualified chemical dependency counselor acceptable to the school district, and the student completes or shows a good faith effort to complete all treatment as recommended in the evaluation.
- Written confirmation by the provider of the completed evaluation or evaluation appointment is required when returning to school.
- Agrees to meet other specified conditions as required by the school following the evaluation. Failure to complete the conditions shall result in the reinstatement of the postponed 5 (five) days of suspension. Recommended evaluation shall be completed within 10 (ten) calendar days of the first day of suspension. The days a student is in treatment for chemical dependency at recognized facilities shall be excused absences.
- Clean submitted test completed within the 10 (ten) calendar days will result in the 5 (five) suspension days being counted as excused days.

**Second Offense - Possession, Use, or Under the Influence\*:** A second offense for possession, use, or being under the influence of drugs/drug paraphernalia, alcohol or an intoxicating substance shall result in an immediate 10 (ten) day suspension and a referral for expulsion or alternative plan to the superintendent from the principal/disciplinary committee. In addition, the family, at its expense should:

- Seek or consent to referral for evaluation of the student's alcohol or drug use from a qualified chemical dependency counselor acceptable to the school district and completes or shows a good faith effort to complete any and all treatment as recommended in the evaluation.
- Obtain written confirmation by the provider of the evaluation or evaluation appointment when returning to school.
- Agrees to meet other specified conditions as required by the school following the evaluation.
- Clean submitted test completed within the 10 (ten) calendar days will result in the 5 (five) suspension days being counted as excused days.

**NOTE:** Subsequent offenses are not required to occur during a single school year, but are cumulative throughout enrollment in the district

#### **SALE OR TRANSFER:**

The sale or transfer of, or the intent to sell or transfer, alcoholic beverages, narcotics, drugs, counterfeit drugs, look-alike drugs, or other intoxicating substances shall result in an immediate suspension of 10 (ten) days and a referral for expulsion to the superintendent from the principal. Suspension days may be waived upon placement in an alternative education program and approval by principal.

Parents and students are encouraged to participate in education sessions specific to the offense, at the parents' expense. For information about specific education sessions, contact the school.

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#### **4.03 Related Notices: Policy Violations PERSONAL ELECTRONIC DEVICES OR LASER POINTER DEVICES**

Personal electronic devices may be used by students during the school day with teacher permission, for instructional purposes. Sharing data between students via cable, peer-to-peer networking or infrared during a classroom activity is permitted only with teacher approval. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, posing a threat to academic integrity, or violating confidentiality or privacy rights of another individual. Exceptions to this policy may be made by the principal on a case-by-case basis.

#### **Bring Your Own Device/Digital Driver's License**

Since WCHS will have Wi-Fi access, students will have to complete an online course where they learn how to be a good digital citizen and earn their DDL or Digital Driver's License. The DDL is required to access the Wi-Fi on campus. Any student may begin the process of completing the course by registering at <http://otis.coe.uky.edu/DDL/launch.php>. Click on "new student" to begin the registration process.

The principal or his/her designee may confiscate the devices, including any SIM card. The following consequences may be used as a guide for violations of this policy:

**1st Violation:** Confiscation of device and return to student's parent. The device may be returned to a student following parent-principal communication.

**2nd Violation:** Confiscation of device and return to student's parent at the end of 10 (ten) school days.

**3 + Violation:** Appropriate consequence determined by principal as outlined in Behavior Management Matrices.

Failure to turn device over when requested shall be considered failure to follow staff instructions and subject to disciplinary consequences.

At no time shall a student have possession of a laser pointer device while on school property, school bus, or while attending a school-sponsored or school-related activity.

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#### **DISPENSING OF MEDICATION BY SCHOOL PERSONNEL**

No student shall share any prescription, over-the-counter medication, or any supplement with another student. The principal shall confiscate the substance and contact the student's parent. The substance shall be given to the appropriate authorities.

School personnel selected by the principal shall dispense medication to students only if the medication has been prescribed or ordered by a physician, dentist, or Advanced Practice Registered Nurse (APRN). Antiseptic and appropriate other emergency medications shall be maintained in the first-aid kit.

Parent Permission: Students may take medicine brought from home with written parental request, provided the following conditions are met.

- Medication shall be brought to school in the original prescription container, which includes the physician's, dentists, or APRN's directions for dispensing, or in the original over-the-counter medicine container with the written orders of the physician, dentist, or APRN attached.
- Information listed on the container shall include the student's name and the name and prescribed dosage of the medicine.

**Storage:** All medications dispensed to students by authorized school personnel shall be kept in the school in a safe, secure place designated by the principal. In addition, authorized school personnel shall document on approved forms the dispensing of medications to students.

In certain situations, a written health care provider's authorization shall allow a student to responsibly carry self-administered medication (e.g., Epi-pen or asthma inhaler). (KRS 158.834 and KRS 158.836).

## **TOBACCO FREE SCHOOLS**

Based on a concern for the health of students and staff required to attend and work in the Webster County Public School District, the Webster County Board of Education has adopted a tobacco-free policy which includes any tobacco product, alternative nicotine product, or vapor product, as defined in KRS 438.305.. That policy prohibits the use of all tobacco products in buildings, on grounds, or on field trips. Tobacco products may not be used in any school building or on any school grounds at any time. The Student Code of Conduct is designed to enforce this policy (See [Section 5.03](#)).

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## **BUS RULES AND VIOLATIONS**

The privilege of riding a school bus is extended to students who qualify according to the policies of the Webster County Board of Education. Students found to be in violation of these rules may be subject to disciplinary action, including, but not limited to, suspension of bus riding privileges on either a temporary or a permanent basis.

**As a student, you are expected to:**

**At the Bus Stop:**

- Arrive at the assigned bus stop 5 (five) minutes before bus time. The driver is not permitted to wait for students.
- Keep all articles off the roadway and remain clear of traffic.
- Refrain from damaging personal property.
- Refrain from making excessive noise that might disturb surrounding residents.
- Wait until the bus stops and then walk to the bus door in orderly fashion.
- Wait on your side of the road until the bus arrives and the driver signals you to cross if you live on the other side of the road.
- Use only the stop nearest your residence to get on the bus unless prior written permission is obtained from your principal and provided to the bus driver.

### On the Bus:

- Sit in the seat assigned by the bus driver if he or she assigns seats.
- Share seats as directed by the driver.
- Avoid creating any unsafe condition which, if permitted to continue, could result in injury to you or others, such as:
  - Cell phones are only permitted for listening to music using only (1) earbud.
  - Headphones/BEATS are "NOT PERMITTED."
  - Failing to carry out instructions from the driver.
  - Failing to remain properly seated.
  - Making excessive noise (as determined by the bus driver).
  - Placing any item or object (e.g., a backpack) in the aisle where it could hamper evacuation in case of emergency.
  - Throwing items inside or out of the bus.
  - Extending any portion or your body outside of the bus when the bus is in motion.
  - Engaging in horseplay or fighting.
  - Exiting the bus improperly.
  - Damaging any part of the bus.

**NOTE: Whenever the bus driver determines the existence of an unsafe condition, the driver will take what is determined to be reasonable action under the circumstances to address the condition. This may include but is not limited to: 1) Stopping the bus if the driver determines a rider's conduct makes it unsafe for the bus to continue on its route; 2) Requesting assistance from the transportation division whenever the unsafe condition is beyond the capability of the driver to correct; or 3) Requesting removal of any student(s) responsible for the unsafe condition.**

- Refrain from eating or drinking on the bus.
- Avoid bringing or use tobacco products on the bus (this includes bus drivers).
- Avoid bringing the following prohibited items onto the bus:
  - Weapons, explosives, or any dangerous articles.
  - Glass items are "not permitted".
  - No balloons of any kind.
  - Drugs, drug paraphernalia or alcohol.
  - Animals of any kind.
  - Other items that might frighten other riders or distract the driver.
- Refrain from using profanity, obscene gestures or any language or action that might embarrass, intimidate or harass another student.

### Getting Off the Bus:

- Leave the bus only at your designated bus stop unless prior written permission is obtained from your principal 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.
- Avoid crossing to the rear of a stopped school bus.

### Bus Notes:

**Students must possess a bus note anytime they are riding on a non-assigned bus from school to home. The bus note must be signed and dated by the school administrator or their designee. The note must contain the following:**

- Student name
- Student's home address
- Alternate location address (**location student may be dropped off other than home address**)
- Phone Number

- Students date of birth
- Name of the person receiving the student at the drop of student
- Come to a full stop when required any time that a bus is in the vicinity.

**NOTE:** All traffic must stop for the purpose of loading or unloading students. School buses stopped for the purpose of loading and unloading students will have their side "stop arm" activated and lights will be flashing. It is not permissible, even on school property, to pass a school bus while it is loading or unloading students. An exception is when there is a viable barrier between a multi-lane highway, traffic going in the opposite direction does not have to stop. School bus drivers are encouraged to file complaints with the local police department whenever the stop arm is violated. Convictions for stop arm violations normally result in an assessment of six points on the driver's license, along with a fine and court costs.

#### **Bus Evacuations:**

- Avoid using the rear emergency exit except upon direction of the driver or other competent authority.
- Avoid using a window to exit the bus.
- Participate in evacuation drills as directed by the bus driver or other school personnel.

**NOTE:** Evacuation drills will be conducted 4 (four) times each year. Each drill will consist of an orderly use of the available exits on the bus and is designed to familiarize students with the proper safety procedures to be followed in case of emergency.

#### **Bus Disturbances:**

Students are required to behave responsibly on school buses to permit the driver to drive safely without distraction. Students are required to comply with rules posted on the school buses. The school bus drivers and monitors have direct supervision over the student riders. Misconduct reports covering unacceptable student behavior shall be made by the driver or monitor to the principal. Unacceptable behavior may include, but is not limited to, violation of bus riding rules posted in the bus and student conduct at bus stops.

The school bus driver or monitor, upon observing a rule violation, will first instruct the student to correct the behavior. If the behavior is not corrected, the driver or monitor may request immediate removal of the student from the bus. Students removed from the bus in this manner may be transported by another bus to the transportation terminal. The parent/guardian is notified to pick up the student and a misconduct report is prepared by the driver and provided to the principal.

**NOTE:** The application of the code to matters of student behavior is not limited to times when the student is in route to or from school but extends to any activity that is school related or school sponsored, either on or off the school campus. The code also applies to behavior occurring off school grounds that affects the safety and wellbeing of students or staff and directly affects the school's ability to ensure a safe learning environment for all students.

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#### **CLOSED CAMPUS**

Students shall remain on the school campus at which they are enrolled and in assigned areas from the time they arrive until the close of the school day. Permission for a student to leave the school campus may be given only by the principal or his/her designee. Students may be present during school hours on a school campus at which they are not enrolled only with permission from that school's principal. Student parking permits may be revoked for violation of the closed campus policy.

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## EXCUSED ABSENCE/TARDY FROM SCHOOL

All students are expected to attend school regularly. Students who are absent from school are required to have a legitimate excuse. Within 3 (three) days of a student's return to school after an absence, he/she shall present a written note signed by his/her parent/guardian or medical professional to the designated school personnel. The note should include:

- The current date.
- The student's (printed) first and last name.
- The date(s) of the absence(s) (not just the days of the week).
- The reason for the absence(s).
- The parent/guardian written signature (a parent /guardian may submit via email a picture or scanned attachment of their signed parent note).
- The parent/guardian must submit the original medical excuse (a copy may be requested for the parent/guardians' records). Faxed medical excuses from the medical/professional will be accepted and parents are responsible for checking with school for receipt of excuse.

If a signed note is not received within 3 (three) days, the absence may be deemed unexcused.

The same note requirements apply to students who arrive late or who leave school early.

If a student is sent home for illness by the school, the student will be excused for that day, however, if the student is absent for additional days a parent note or medical note is required.

If a child has a chronic illness, the parent/guardian may request additional parent notes by contacting the attendance office at your child's school or Director of Pupil Personnel.

An "absence event" is defined as:

- A tardy (less or equal to 35% of the school day).
- An absence (equal to 65% of the school day).

Permissible excuses are:

- Death in the student's immediate family: This includes parents/guardians, stepparents, grandparents, step- grandparents, siblings, step-siblings and other members of the student's household (documentation required by parent or guardian).
- Illness of the student: **Parents have a total of 6 (six) parent notes to write for student illness.** After a total of 6 (six) cumulative absences due to illness, students are required to present a written statement from a medical professional (doctor, dentist, psychologist, etc.) for each additional absence for the school year in order to be excused. *One day absent equals one parent note.*
- Tardies due to illness: **Parents have a total of 6 (six) parent notes to write for student tardiness due to illness.** After a total of 6 (six) cumulative tardies due to illness, students are required to present a written statement from a medical professional (doctor, dentist, psychologist, etc.) for each additional tardy for the school year in order to be excused.
- Religious holidays and practices: Documentation by parent or guardian is required.
- Medical and dental appointments (times and dates shall be verified by the physician's or dentist's original signed statement faxed or scanned directly from physician's or dentist's office). Students will be excused only for the length of time of a scheduled doctor's appointment and a reasonable amount of travel time.
- Physician's or dentist's excuses shall state the date(s) and/or number of days for which the student will be excused.
- Family emergencies requiring immediate attention are limited to 3 (three) absent events per school year, as approved by the principal.
- Two (2) visits to colleges or universities are restricted to seniors. Documentation from the college/university visited will be required.
- One (1) day for attendance at the Kentucky State Fair [KRS 158.070(6)]
- Court appearance requiring the student's attendance: Students will be excused for only the length of time of the scheduled court appearance, including travel time to and from court.

- Documented military leave: Students are granted excused absences for up to 10 days to visit a parent or legal guardian serving in the U.S. military and stationed out of the country who is on leave.
- One (1) day prior to and day of departure of parent/guardian called to active military duty.
- Day of and 1 (one) day upon the return of parent/guardian from active military duty.
- Up to 2 (two) days for student athletic competition in a regional or state tournament on regular scheduled school day [KRS 158.070(7)].
- Educational Enhancement Opportunity (EHO) [KRS 159.035 (2)]: Up to 10 (ten) school days to pursue an educational enhancement opportunity determined by the principal and or designee to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts. An application form obtained from the school must be completed and returned to the principal at least 5 (five) days prior to the absence. The principal and or designee will review application to assure they meet the curriculum requirements. The parent will be notified of the decision. Unless the principal and or designee determines if there are extenuating circumstances, requests for dates falling within state or district testing periods shall not be granted.
- Other valid reasons as determined by the principal.

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#### **TARDINESS TO SCHOOL**

- A student is considered tardy if he or she arrives after the designated start time or leaves before the end of the instructional day. Students must be checked in or out of school by a parent, guardian or authorized adult. Late arrivals or early dismissals will be counted as an absence or tardy according to the arrival/departure time.

**The reasons for determining whether tardiness to school is excused or unexcused are identical to that for excused and unexcused absences.**

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## UNEXCUSED ABSENCE FROM SCHOOL AND MAKE-UP WORK

All absences except those with permissible excuses are unexcused absences. For students with unexcused absences, make-up work may be permitted if the principal (after consultation with the teacher) approves the make-up work. For students with unexcused absences due to suspension, work shall be given appropriate credit. (See Student Expectations Section 3.06.)

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## TRUANCY AND HABITUAL TRUANCY

Any public-school student, who has not reached his or her 21st (twenty-first) birthday and who has been absent from school without a valid excuse for 3 (three) or more days or tardy to school without a valid excuse on 3 (three) or more days, is considered truant. A student who has been reported truant 2 (two) or more times is considered habitually truant (6 or more unexcused events).

### School personnel shall follow these procedures regarding truancy and habitually truant students:

- When a student is absent/tardy a parent/guardian may receive a text, phone call or email from the electronic attendance messenger.
- All District students shall be provided an overview of attendance requirements from Board Policy 09.123, District Medical Excuse Form 09.123 AP.2, Truancy Guidelines 09.123 AP.1, and notification to students that they should review the District Code of Conduct on the District website during the first week of the current school year.  
Students that enroll after that first week of the school year shall be provided notification of the above-mentioned documents by the school personnel that provide enrollment documentation to the students/parents/guardians of that student.
- First (1st) unexcused combination of absences/tardies, school attendance secretary will contact parent/guardian notifying them that student has exhausted the allowable excused absences/tardies permitted in District Policy 09.123. Parents/guardians will be reminded to review District Truancy Guidelines 09.123 AP.2.
- Second (2nd) unexcused combination of absences/tardies, the principal/designee will conference with student and a conference summary form will be completed.  
Conferences with students in grades three through twelve (3-12) will require the student and Principal/designee signatures.  
Conferences with students in grades kindergarten through two (K-2) will require only the principal/ signature.  
At the conclusion of the conference, a phone contact/message to the parent shall occur, providing notification that their child has been provided a copy of the signed conference form.
- Third (3rd) unexcused combination of absences/tardies, a school truancy letter will be mailed home to parents with Principal signature.  
Student is placed on the school's attendance monitoring list that is kept/monitored by the principal/designee.
- Fourth (4th) unexcused combination of absences/tardies. The principal/designee will notify Student Support Team/FRYSC to make a parent contact or home visit. Student Support Team/FRYSC/ will document this contact in the student information system.
- Sixth (6th) unexcused absence, school notifies the Director of Pupil Personnel (DPP) to initiate final notice truancy letter from the Central Office.  
DPP will deliver final notice letter by home visit and/or mail notification.
- Next unexcused absence/tardy twenty-four (24) hours after final notification received by parent/guardian, the principal/designee will notify DPP to file a petition for habitual truancy with appropriate court representative (CDW, DJJ, or Court Officer) that will include Truancy Diversion steps.

### Truancy Diversion Program

The Truancy Diversion Team may consist of the DPP, CDW, Principal/Assistant Principal, Counselor, and Teacher(s). The purpose of the Truancy Diversion Program is to identify students who are at risk of being referred to Family Court or District Court for truancy charges. These are students who have missed the allotted number of days and who are at risk of court involvement. This program is designed to help students with the assistance of their families to develop good attendance habits that enhance their potential for success in school.

Elementary truancy diversion program consists of partnership with Webster County Schools, GRADD, other partners and the Division of Child Based services. This program is utilized to engage families in Parent Engagement Meetings to define barriers to attendance, identify strengths and needs, develop a plan of action, and strive to prevent family/guardians from being referred to court system. The goal is to prevent educational neglect through agencies with families in meeting the educational needs of all students.

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### HOME / HOSPITAL INSTRUCTION:

**Students who anticipate absence for at least five consecutive school days for medical purpose may apply for Home/Hospital to help minimize learning disruptions caused by lengthy school absence. Please note to applicant that this type of instruction is not a tutoring service nor designed to take the place of a more appropriate school placement.**

- Purpose: Home/Hospital instruction provides educational services to students who cannot attend school for extended periods due to temporary or recurring conditions, including fractures, surgical recuperation, or other physical, health or mental conditions.
- **An application for mental health reasons may be considered if completed by a licensed psychologist, psychiatrist, or other approved licensed mental health authority.**
- Pursuant to 704 KAR 7:120, the condition of pregnancy is not to be considered physical or health impairment in and of itself, and the nature and extent of any complication shall be delineated prior to consideration of home/hospital instruction for this condition.
- Pursuant to KRS 159.030, Section (2), before granting an exemption under paragraph (d) of subsection (1) of this section, the board of education shall require satisfactory evidence, in the form of a signed statement of a licensed physician, advanced nurse practitioner, psychologist or psychiatrist, chiropractor or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study. Any child who is excused from school attendance more than six 960 months must have two 92) signed statements from two different local health personnel.
- **If student is unable to attend school while application is being processed, then it is the parent(s)/legal guardian(s) responsibility to follow school attendance procedures and request work from classroom teachers until a home instruction placement decision has been reached.**

### Applications for Home/Hospital

**Applications may be picked up in the office of the Director of Pupil Personnel located at the Webster County Board of Education.**

### Truancy Referrals:

- After parents are mailed or delivered the final notice and the unexcused events continue to accumulate or students are identified as being truant/habitually truant, the District Pupil Personnel Director and or school personnel may conduct a home visit or document an inability to do so. If attendance does not improve, the school or District Pupil Personnel Office may proceed under KRS 159.180 or 922 KAR 1:330 to seek legal recourse for the resolution of the problem.

### Students 18 (eighteen) or Older:

- A student who has attained the age of 18 (eighteen), but who has not reached his or her 21<sup>st</sup> birthday may be held accountable if the student fails to comply with school truancy laws.
- A parent, guardian, or custodian of a student who has not reached his or her 18th birthday may be held accountable if the student fails to comply with school truancy laws.
- A court-appointed guardian of a student, who has not reached his or her 21st birthday may be held accountable if the student fails to comply with school truancy laws.

### Penalties for Failure to Comply with Truancy Laws:

- **Criminal Complaint:** Any parent, guardian, or custodian who intentionally fails to comply with school truancy laws shall be fined \$100 (one hundred dollars) for the first offense and \$250 (two hundred- fifty dollars) the second offense. Each subsequent offense shall be a Class B misdemeanor.
- **Juvenile Petition** (KRS 610.010): Actions can be brought against any student who fails to attend school and becomes truant.
- **Educational Neglect:** An Educational Neglect Report may be filed with the Cabinet for Families and Children.

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## 5.0 BEHAVIOR MANAGEMENT OPTIONS

### 5.01 Resolutions: Response to Behavior Violations

#### Resolutions: Strategies for Teaching and Supporting Positive Behavior

**STUDENT-STAFF BEHAVIORAL CONFERENCE:** A conversation between the student and teacher and/or administrator to ensure the student knows and understands the rules or expectations of the setting in which he/she experienced a problem, as well as the potential consequences of violating the rules or expectations.

**BEHAVIORAL INSTRUCTION:** Teaching the skills necessary for the student to be successful in the setting in which he/she experienced a problem. This instruction may be provided individually or in small group settings.

**BEHAVIORAL CONTRACT:** A voluntary, written agreement about how an individual will behave. The agreement outlines in detail the expectations of the student, the teacher, and sometimes the parents. All parties have input into the agreement. Behavioral contracts typically include targeted behaviors, reinforcers to be used for successful compliance, and consequences for not adhering to the agreement. The contract provides students with structure and self-management.

**BEHAVIOR INTERVENTION PLAN:** A systematic plan of action focused on reducing specific problem behaviors and increasing positive behaviors. Behavior intervention plans typically include targeted behaviors, goals, environmental supports, description of interventions/staff responses, positive feedback, and procedures for monitoring and evaluating the success of the plan.

**SCHOOL-BASED MENTORING:** Structured plans for forming peer-to-peer or adult-to-student relationships to positively influence students' lives and success in school.

**SCHOOL-WIDE PBIS:** Multi-tiered framework to make schools more effective places. It establishes a social culture and the behavior supports needed to improve social, emotional, behavioral, and academic outcomes for all students. PBIS is flexible enough support student, family, and community needs. These are created and applicable in each individual school.

**REFERRAL TO SCHOOL SERVICES:** School Counselors, Social Workers, and Family Resource and Youth Service Center (FRYSC) Coordinators: School-based staff that work with students and their families to identify and address physical, emotional, or educational needs or situations that might interfere with student learning and success in school and in life.

**REFERRAL TO SCHOOL-BASED INTERVENTION TEAM/ SCHOOL PROBLEM - SOLVING TEAM:** A school team that uses a positive, problem-solving intervention process to explore possibilities and strategies that will best meet the educational needs of students. The team typically includes administrators, teachers, support personnel, and specialists, along with the parent, and sometimes the student.

**REFERRAL TO MENTAL HEALTH AND OTHER AGENCIES/SERVICES:** Community service providers that specialize in the treatment of children and adolescents with health, behavioral and emotional needs.

**RESTORATION/RESTITUTION:** A problem-solving approach that focuses on repairing harm that has been done to people, property, and relationships. This might include voluntarily replacing/restoring damaged or stolen property, participating in mediation or school/community service work.

**Resolutions: Traditional Consequences**

**CLASSROOM DISCIPLINE:** This resolution refers to consequences such as removal of privileges provided by the classroom teacher before an office discipline referral is made. However, classroom discipline may also be applied as a response to an office discipline referral when deemed appropriate by the administrator.

**IN- SCHOOL DISCIPLINE (PRINCIPAL- IMPOSED):** This resolution means the administrator will choose a consequence other than those listed below which may include, but is not limited to, changing the student's schedule, removing a school privilege, or assigning the student to after school detention. The administrator will consider the age and development of the child as well as disability status and any other circumstance that may have influenced the behavior before deciding on the response to the violation. Students should be provided with instruction and support strategies before or in combination with traditional consequences.

**DETENTION:** This resolution means requiring a student to report to a location for a designated period of time. Students are supervised by staff and are required to complete written assignments during this time.

**IN-SCHOOL ALTERNATIVE PLACEMENT, IN-SCHOOL SUSPENSION:** This resolution means any temporary removal of a student from the student's normal educational environment during instructional time.

**ALTERNATIVE PLACEMENT RECOMMENDATION:** Alternative Education Program: This resolution means referral to a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience [KRS 160.380(1)(a)].

**OUT-OF-SCHOOL SUSPENSION:** This resolution means the temporary removal of the student from all classes of instruction on public school grounds and all other school-sponsored activities, for a period not to exceed 10 (ten) school days cumulatively per incident.

**EXPULSION RECOMMENDATION:**

- **Expulsion; Receiving Services:** This resolution means removal of a student from his/her school and placement in an alternative setting where educational services are continued.
- **Expulsion, Not Receiving Services:** This resolution means removal of the right and obligation of a student to attend public school, under conditions set by the board, for a period not to exceed the remainder of the term or school year and one additional year of attendance.

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**5.02 RELATED NOTICES**

**I.S.S. (In-School Suspension) / WILL ROOM**

Included among an administrator's disciplinary actions is referral to the In-School Suspension room or the Webster Instructional Learning Lab (Will) room. As an alternative to suspension, referral to I.S.S. or WILL room is the most serious in-school disciplinary consequence. It is a short-term removal of a student from the regular school schedule.

Students in I.S.S. or WILL room are always supervised and are required to complete written work or projects related to their classes and/or their behavior. Additionally, the I.S.S./ WILL room teacher or other staff and student shall discuss the behavior that caused the referral and the necessary interventions that will take place to correct the behavior.

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#### **CORPORAL PUNISHMENT**

Corporal punishment is defined as the deliberate infliction of physical pain on a student by any means but does not include spontaneous physical contact that is intended to protect the child or others from immediate danger Corporal punishment is prohibited within the Webster County Public School District.

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#### **PARTICIPATION REQUIREMENTS FOR ATHLETIC ACTIVITIES**

Representing a school within the Webster County Public School District in an extracurricular activity is a privilege that demands that all participants conduct themselves in a manner that brings credit to themselves, the school, and the district. (See also Webster County Athletic Handbook for additional information).

Students with disabilities shall have an equal opportunity to participate in nonacademic and extracurricular services and activities, including, but not limited to, extracurricular athletics, intramural athletics, and clubs. Note that the district may require a level of skill or ability of a student for that student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory.

**Academic Requirements. Unless a school's SBDM council adopts a different policy concerning academic requirements, the following shall apply:**

- Students in grades 7 (seven) through 12 (twelve) will be eligible to participate in extracurricular activities when they have achieved an overall 2.0 average for the preceding appropriate grading period.
- In addition, students in grades 9 (nine) through 12 (twelve) must be passing 240 instructional minutes weekly; students in grades 6 (six) through 8 (eight) must be passing 5 (five) classes.

**Conduct Requirements. SBDM council policies must fall within the following parameters:**

- In middle schools, weekly conduct checks may be instituted by the principal due to violations in the Code of Conduct. Any student receiving 2 (two) code of conducts shall have a conference with the principal, sponsor, parent, and teachers involved to determine if the student will continue to represent the school in the current activity.
  - After this conference, the student shall have 2 (two) weeks to show improvement in conduct. If needed improvement does not occur, the participant shall be declared ineligible for a minimum of 2 (two) weeks. After the 2 (two) week period, teachers must certify that the student's conduct has improved before eligibility is restored.
  - Any participant receiving 3 (three) code of conducts in a weekly report is ineligible for a minimum of 4 (four) weeks.
  - A student under suspension from school shall not be permitted to participate in practice sessions or any other activities during the suspension period (see [Section 6.02](#) for additional information).

**Athletic Participation at the High School Level for 7<sup>th</sup> and 8<sup>th</sup> Graders**

- Only those students in grades 7 (seven) and 8 (eight) are eligible to try out for a high school team. To be eligible to try out they must also meet all Kentucky High School Athletic Association (KHSAA) requirements and provide the following documents to the high school athletic director:

- Completed Physical Form
  - Signed Parent Permission Form
  - Grade report from the prior school year, indicating that passing grades were received in 80% (eighty percent) of all classes taken.
  - Current grade report indicating that passing grades meet the middle school or high school Grade Point Average (GPA) requirement (the higher requirement will be used) to be eligible to participate at the high school.
  - Middle school game and practice schedule, if applicable.
- Athletic directors shall maintain a file for the school year of the items listed above for each middle school student participating on a high school team.
  - Students in middle school shall at no time be absent from any part of the school day to participate with a high school team other than district, regional, or state competition or with prior approval of the middle school principal.
  - Athletic participation for students in grades 7 (seven) and 8 (eight) are categorized as sports offered at both middle school and high school (basketball and cheer), team sports offered only at the high school (baseball, softball, soccer) and individual sports offered only at the high school (cross country, golf, tennis, track). A student's participation in an individual sport offered only at the high school will be determined by that student's ability to exhibit a performance level that will enable the student to compete in a meet and/or match depending on KHSAA's definition of event.
  - Middle school students shall not miss middle school practice or games to participate in high school practice or games. Middle school participation both practice and game is the first priority. A middle school student who misses a middle school practice and/or game to participate at the high school will be removed from participation at the high school.
  - Students in grades 6 (six), 7 (seven) and 8 (eight) who repeat a grade may not participate in athletics during the repeating year.
  - Initial eligibility and weekly grade checks shall be the responsibility of the high school athletic director for as long as the middle school student participates on the high school team.

Athletic director shall give a list of middle school students participating at the high school level to the middle school students' principals.

Middle school athletic director shall send current weekly grades of each participating athlete to the high school athletic director. The high school athletic director shall use the higher weekly grade requirement (middle school or high school) to determine the eligibility of middle school students participating in high school athletics.

Middle school athletic director shall notify the high school athletic director of any disciplinary action taken against a middle school student participating at the high school. The high school athletic director shall enforce the disciplinary action taken against the middle school student as it pertains to participation at the high school level.

High school athletic director shall notify the middle school principal/athletic director of any disciplinary action taken against a middle school student participating on a high school athletic team.

**NOTE: Extracurricular activities that are mandated through legislation are exempted from the provisions herein.**

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## REVOCACTION OF DRIVER'S LICENSE

All students must present a verification of enrollment to apply for a driver's license, intermediate license, or learner's driving permit. The school administrator shall notify the superintendent of any student under 18 (eighteen), who has either dropped out of school, has 9 (nine) or more unexcused absences, or is academically deficient. Academically deficient means the student has not received passing grades in at least 4 (four) courses, or the equivalent of 4 (four) courses, taken in the preceding semester. The superintendent or his/her designee is mandated to report those names and Social Security numbers to the Kentucky Transportation Cabinet. The Cabinet can revoke the student's driving privileges, which include a driver's license, an intermediate license, a driver's permit, or the application for a driver's permit.

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### 5.03 Behavior Management Matrices

Students at different ages and grade levels are expected to assume varying degrees of responsibility for their actions. Therefore, a variety of disciplinary measures have been developed to reflect levels of maturity and self-discipline. Each of the following pages outlines the range of behavior management options (resolutions) that may be used by school personnel to address code violations both initially and upon repeat violations. These lists are included for the elementary, middle and high school grades. Each list separates the violations by class from minor (Class I) behaviors to the most serious (Class IV) behaviors.

When responding to behavior violations school personnel will consider a wide range of options that include both supportive, positive interventions and traditional consequences. Suggested strategies for supporting positive behavior are included along with traditional disciplinary consequences. The traditional disciplinary consequences listed increase in severity and are to be administered by the principal or his/her designee.

Although consequences may be more restricted or severe for serious behaviors or behaviors that have been unresolved using prior measures, schools should strive to limit the amount of time that students are removed from their regular educational environment as well as providing additional instruction and support to students who violate this code. Administrators will use the handbook/code of conduct as a guide and will consider other factors such as age, developmental level, and disability when determining responses to misconduct.

#### Class I Violations

- Disruptive Behavior
- Dress Code Violation
- Personal Electronics/Possession or Use
- Public Display of Affection

#### Class II Violations

- Out of Assigned Area/Unexcused Excessive Tardy to Class
- Out of Assigned Area: Skipping Class
- Bus Disturbance
- Dishonesty (Non-Criminal)
- Disregard for Safety
- Non-Controlled Substance Policy Violation
- Offensive Speech/Actions
- Technology Policy Violation
- Tobacco Products, Poss./Use

### **Class III Violations**

- Dishonesty (Criminal)
- Disorderly Conduct
- Endangering Others, Hazing, Wanton Endangerment
- False Report, Forgery, Fraud, Obstruction (Criminal Dishonesty)
- Fighting
- Gambling
- Harassment, Harassing Communications, Bullying, Stalking, Menacing, Intimidation, Threatening, Physical Abuse, Verbal Abuse (Hostile Environment)
- Sexual Harassment, Inappropriate Sexual Behavior, Indecent Exposure, Obscene/Pornographic Material
- Physical Aggression
- Property Damage/Vandalism
- Stealing, Theft, Possession of Stolen Property
- Trespassing, Loitering

### **Class IV Violations**

- Arson
- Assault
- Assault or Physical Abuse of Staff Member
- Burglary
- Dangerous Instrument, Fireworks, Ammunition
- Deadly Weapons, Possession (10-day suspension & expulsion recommendation)
- Drugs, Prescription Drugs, Intoxicating Substances or Alcohol, under influence, Possession/Use
- Drugs, Prescription Drugs, Intoxicating Substances or Alcohol, Sale or Transfer
- Extortion
- Kidnapping, Imprisonment
- Robbery
- Sexual Abuse/Assault
- Terroristic Threat

### **Suggestions for Supporting Positive Behavior**

- Student-Teacher Behavioral Conference/Behavioral Instruction
- Behavioral Contract/Intervention Plan
- School-based Mentoring
- Referral to School Counselor/FRYSC/Social Worker
- Referral to School-based Intervention Team
- Mental Health Agency/Service Referral

### **Guidelines for Disciplinary Consequences**

- Restitution/Resolution
- Classroom Discipline (teacher imposed)
- In-School Discipline (principal imposed)
- Detention
- WILL room, In-School Suspension
- Suspension (out of school)
- Alternative Placement
- Expulsion Recommendation ([KRS 158.150 - review for expulsion for Class 4 threat to student/staff](#))



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## **6.0 Behavior Management Procedures**

Students against whom disciplinary action is taken by school personnel to address code violations are entitled to due process where applicable in accordance with state statute and/or Webster County Board of Education policy.

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### **6.01 Due Process (Informal Actions)**

For minor offenses where corrective measures are taken by a teacher or staff member with student supervisory responsibilities, no specific steps are required; however, the following procedure is suggested.

#### **The teacher or staff member should:**

- Provide the student with oral or written notice of the allegation(s) against him or her.
- Conference with the student within a reasonable timeframe.
- Discuss the allegation(s) with the student.
- Offer the student a chance to respond to the allegation(s).
- Decide on the action to be taken, if any, to resolve the incident.
- Communicate the action to be taken, if any, to the student and the parent (if deemed appropriate).
- Document the action.

For minor offenses where corrective measures are taken by the principal or his/her designee, no specific steps are required; however, the following procedure will be used to resolve a discipline referral.

#### **The principal or his/her designee will:**

- Conference with the student within a reasonable timeframe.
- Discuss the allegation(s) contained in the referral with the student.
- Offer the student a chance to respond to the allegation(s).
- Decide on the action to be taken, if any, to resolve the referral.
- Communicate the action to be taken, if any, to the referring person, the student and the parent.
- Document the action in Infinite Campus.

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### **6.02 Due Process (Suspensions)**

A principal, assistant principal or the superintendent may suspend a student for offenses outlined in [Section 4.01](#) of this code. An informal hearing shall be given to a student before he or she may be suspended.

The length of the suspension may be as long as 10 (ten) school days per incident. Suspensions longer than 10 (ten) school days shall only be made by the superintendent.

Due process shall be given before a suspension unless immediate suspension is required to protect persons or property. In such cases, the hearing shall be held as soon as possible, but in any case, no later than 3 (three) days after the suspension.

**The following procedure will be used when a student faces suspension:**

- A good-faith effort shall be made to contact a parent by telephone.
- The student shall be given oral or written notice of the charge(s) involved.
- If the student denies the charge(s), he/she shall be given a clear explanation of the evidence supporting the charge(s).
- The student shall be given a fair chance to give his/her side of the facts in response to the charge(s).
- The student and parent shall be informed of the suspension immediately.
- A suspension letter shall be provided by the administrator to the student.
- A copy of the suspension letter shall be sent to the parent.

**Any suspension given by a principal may be reviewed by the school director or the superintendent in accordance with the appeals procedure of this code.**

*NOTE: See [subsection 6.04](#) below for Suspension/Expulsion Procedures for Students with Disabilities.*

**The terms of a suspension shall include the following:**

- A suspended student shall not be allowed to enter any grounds or buildings of the Webster County Public School District, including technology centers, unless accompanied by a parent and with permission of an administrator.
- The student shall not attend or participate in any school program or function, during or after school, and shall not be permitted to ride a school bus.
- Any and all make-up work must be completed in the same time frame as other make-up work specified in [Section 4.03](#).

*NOTE: Breaking the conditions of the suspension may result in further disciplinary action.*

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**6.03 Due Process (Expulsions)**

**Discipline Committee**

- The Webster County Discipline Committee shall meet to discuss the circumstances involving any regular education student enrolled in the Webster County School System who commits a Class IV Code of Acceptable Behavior and Discipline violation.
- The discipline committee shall be made up of the referring principal and two district administrators.
- If the discipline committee recommends expulsion given the nature of the violation and/or other factors, a student discipline hearing will be scheduled before the Webster County Board of Education as soon as reasonably possible.
- All decisions of the discipline committee are appealable to the Webster County Board of Education.

Only the Webster County Board of Education may expel a student with or without services. Any such expulsion shall be made upon recommendation of the superintendent, and referrals for expulsion may be made by the principal, school director, student personnel director, or the chief academic officer to the superintendent.

For cases involving students who bring firearms/explosive devices to school, expulsion shall be for a minimum of 1 (one) calendar year (365 days), unless modified by the board on a case-by-case basis. (See [Section 4.02](#).) Expulsions for other offenses may extend for up to the number of days that constitute one 1 (one) school year, not to exceed 2 (two) semesters.

**The following procedure will be used when a student faces expulsion:**

- The recommendation shall be written and supported by all facts and materials related to the grounds for expulsion.
- The case shall be discussed with the Director of Pupil Personnel.
- After review of the recommendation by the superintendent, a recommendation may be made to the board for expulsion.
- If such a recommendation is made, the superintendent shall send a letter to the parent of the student who is under 18 (eighteen) years of age that includes: 1) each charge against the student; and 2) the assigned date, time, and location for a hearing with the board.
- The student and parent may be present at this hearing and may be represented by an attorney during the proceedings. If the student and parent(s) want to be represented by a representative or an attorney in the hearing, the name and telephone number of that person must be provided to the superintendent prior to the hearing.
- If a student and parent desire to admit the conduct and accept expulsion as the consequence for the student's conduct, in lieu of a full expulsion hearing before the board, a process is available for this purpose. Inquiries regarding this process can be made to the school principal, director of pupil personnel, or superintendent.
- All Class IV violations of threats toward students and staff shall be reviewed and decisions made by Board of Education for KRS 158.150 – HB 538.

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**6.04 Related Notices**

**PARENT BEHAVIOR CONFERENCES**

When a student continues to misbehave at school or on a bus, the administrator shall call and chair a meeting with the student, parent, and appropriate school staff. The meeting shall be set at a time convenient for the parent. If the parent cannot attend the meeting, either the meeting can be rescheduled or the parent may discuss the referral with school staff some other way (i.e., by telephone or in a separate meeting). When a student is referred for several violations in a short time, one meeting with the parent may be satisfactory. Every effort shall be made to assure parent participation in conferences.

The purpose for the conference is to determine the reason the student misbehaved, to arrive at fair, helpful solutions, and to improve the student's behavior. During the meeting, the student shall be given a chance to explain the problem and to suggest solutions. The parent and school staff shall be given the same opportunity. The student's academic and disciplinary records shall be available for review during the conference. A short-written statement of the decisions made during the conference shall be placed in the student's discipline record. All decisions shall include follow-up to determine if progress has been made toward the goals set for the student.

In cases of misconduct endangering the safety of others, it may be necessary to hold the conference after disciplinary action has been taken.

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**RIGHT TO COUNSEL**

Any person against whom disciplinary action has been taken has the right to be represented by an attorney at his/her own expense.

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## **SUSPENSIONS/EXPULSIONS FOR STUDENTS WITH DISABILITIES**

Special consideration should be given when dealing with disciplinary problems of students with disabilities. Frequently, such students might have discipline problems due to the nature of their disabilities. In this case, students may have an individual behavior intervention plan (BIP).

If further consequences are needed for inappropriate behavior, then principals are to use those outlined in this code. Alternatives to out-of-school suspension include In-School Suspension (WILL room), detention, Saturday school, and other such options as needed and appropriate.

Suspension may be used with students with disabilities or with a 504 Plan in accordance with regulations. If a student with a disability accumulates 10 (ten) days of suspension, an Admissions and Release Committee (ARC) or a 504 Committee shall meet to discuss the student's behavior needs.

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## **7.0 GRIEVANCES AND APPEALS**

When a student or parent has an educational concern, a complaint may be filed using the Webster County Board of Education's Grievance Procedure (09.4281 AP.1). A copy of the procedure for filing a complaint against school personnel is available at the local school, or in the school board office. For allegations of harassment or discrimination, refer to [Section 4.02](#) of this code. Any student who wishes to express an educational concern or grievance shall observe the following order of appeal:

1. Teacher\*
2. Principal
3. Director
4. Superintendent
5. Board

Upon receipt of the grievance, these steps shall be followed:

1. The student or parent shall discuss the issue with the teacher\*. The teacher shall make a decision in writing and give that decision to the grievant within 5 (five) school days after the discussion.
2. The decision of the teacher may be appealed to the principal within 5 (five) school days after receipt.
3. The principal shall give a written decision to the grievant within 5 (five) school days.
4. The principal's decision may be appealed by filing a formal written complaint with the appropriate school director within 5 (five) school days.
5. The decision of the school director may be appealed by filing a formal written complaint with the superintendent within 5 (five) school days of receipt of the decision.
6. The student or parent may appeal to the board in writing within 5 (five) school days of the receipt of the superintendent's decision.

At each level of the above procedure, the designated administrator shall notify the student or parent of his/her decision within 5 (five) school days of receipt of the grievance. If the student or parent and the administrator meet to discuss the issue, the administrator may notify the student or parent of his/her decision at the end of the meeting.

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## 7.01 Appeal of Suspension

When a student or parent appeals a suspension, the appeal shall be made in writing within 5 (five) school days of the suspension letter. The student shall serve the suspended days. When a student or parent makes a written appeal to the next level, all previous written appeals and responses shall be attached. Should the suspension be overturned at any appeal level listed above, all record of the suspension shall be removed from the student's files, and the days will be treated as an excused absence.

*\*Appeal of a suspension does not include the teacher.*

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## 8.0 OTHER INFORMATION

**Other information that may relate either directly or indirectly to the behavior management process within the Webster County Public Schools include, but are not limited to, the following:**

### 8.01 Enrollment by a Guardian or Non-Custodial Parent

For school purposes, a child's residence is not necessarily the residence of the child's parent(s), and if the child has assumed a permanent home with some other person standing *in loco parentis* to the child, then the residence of the child for school purposes is the same as that person.

All students shall be assigned by geographic attendance areas and will attend the school designated to serve their area of residence. In cases of joint custody, the student will be assigned to the area serving the residence of the parent with whom the child primarily resides. If pursuant to a court order the child's time is split exactly in half between parents, the parents may choose which of the 2 (two) assigned schools the child will attend.

A Notarized Statement of Non-Custodial Parent or Non-Parent Guardian Enrolling a Student in the Webster County Public School District (Notarized Statement at Enrollment) is for use when the custodial parent allows a child to reside with the non-custodial parent or a person who is not the parent of the child. Because compulsory attendance laws require enrollment of a school-age children by any person having "custody or charge" of that student, this Notarized Statement at Enrollment will be honored for the purpose of educating the child if he/she resides with the non-custodial parent or the individual with custody or charge of the child. The person with custody, charge or guardianship will have the power to make any and all educational decisions related to the child, which power shall include, but not be limited to, enrollment, medical care, academic matters, extracurricular activities, delivery of this student, pick-up of the student, emergency form preparation, field trip decisions, transportation decisions, disciplinary actions, attendance issues and any and all other educational matters. Consistent with this authority, it is mandatory that the child resides with the individual having custody, charge, or guardianship, if the child is to attend the assigned school of the guardian's residence. The person assuming custody, charge or guardianship of a student not only makes all legal and educational decisions but is legally responsible for any legal consequences associated with medical or educational decision-making and for truancy issues.

The Notarized Statement at Enrollment may be invalidated by the custodial parent, the student upon reaching the age of eighteen or by the existence of other legal circumstances. In addition, the person having custody or charge of the student may notify the school that he/she no longer has custody or charge of the student at any time by completing and signing a Renunciation of Custody or Charge and having the renunciation placed in the student's cumulative folder. The child would then be required to attend the school assigned for the residence of the child's custodial parent(s) or subsequent person assuming custody or charge of the student. Completion of **the Notarized Statement at Enrollment requires that school census files identify the individual with custody or charge, rather than the parent.**

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## 8.02 Out-of-Area Assignments

All students are assigned to schools by geographic attendance areas and students are expected to attend the school designated to serve their area of residence.

The Webster County Board of Education has provided for exceptions to this by offering parents the out-of-area process. Out-of-area assignments shall be granted only when placement does not cause overcrowding at the receiving school above established capacity percentages. The following is an overview of the out-of-area process, and any in-depth questions should be addressed to the District Department of Pupil Personnel (639-5083).

Principals shall evaluate annually whether students who have been granted out-of-area assignments/ open contract/ and non-residential, follow specified conditions including regular daily attendance, acceptable behavior, and adequate academic progress before a renewal is granted.

Out-of-area authorization will only be considered for approval under the following conditions:

School Demographics: The change in school attendance does not create overcrowding at the requested school.

### If Families Move:

- An elementary grade student who moves from one school attendance area to another school attendance area may continue in the school of his/her former residence until the completion of that grade level. Students are required to have an out-of-area request agreement on file.
- A family whose child moves from one attendance area to another within the district may finish the school year in the school in which he/she is currently enrolled. During the following school year, the student must enroll in the school that serves his or her residence. Students are required to have an out of area request agreement on file.
- A student whose family will be moving from one attendance area to another within the district prior to October 31 may be permitted to begin the school year in the school serving the location to which the family expects to move.

School District Employees: A student whose parent is a half-time employee of the Webster County Public School District or more may attend the school or campus where the parent is employed.

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## 8.03 Support for Students Living in Transition (Homeless)

The mission of Webster County Schools is "We Create Great Possibilities for Students..." Students that are living with transitioning home environments are no exception to this mission. The Transitional Student Services Program provides:

- Immediate school placement and assistance with registration and transportation.
  - Assistance coordinating medical and other school records.
  - Start-up School Supplies, materials, books, & personal items as needed.
  - Referral services to local service organizations.
  - Coordination of tutoring, counseling and mentoring as needed.
  - Scholarships towards academic camps and educational programs.
  - Equal access to extracurricular and enrichment activities during and after school.
- 
- The Transitional Student Services Program works with teachers, guidance counselors, family resource staff, local service organizations, and shelters to ensure that every child is equipped for academic success.

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#### 8.04 Searches of Property and Person

Authorized personnel (defined as the principal or a certified person directly responsible for the conduct of the student) have the right to search students, their belongings, lockers, desks, automobiles, the contents of cell phones or other electronic devices, or their property, if a reasonable suspicion exists that the search may reveal evidence the student has violated a school rule, board policy, or the law. The search of a student's property shall be conducted only with the express authority of the principal or designee. The purpose of the search is to protect the safety and property of others. Additionally, school property, such as lockers and desks that are jointly held by the school and the student, may be searched on a regular basis to maintain the ongoing educational process of the school. In no instance shall the school official strip-search any student. Trained dogs to locate prohibited illegal substances/items/materials on property owned or controlled by the board may be used. The alert of a trained dog to an item or area shall qualify as reasonable grounds on which to base a further search.

Nothing herein shall preclude a student from being subjected to a fixed or handheld electronic screening detector. An affirmative signal or response from a detector will serve as reasonable suspicion for a more intrusive search.

*NOTE: The school official must be able to articulate the reasonable suspicion.*

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#### 8.05 Electronic Surveillance

Video surveillance may be used to promote the order, safety and security of students, staff and property. Areas that may be subject to electronic surveillance within the district include, but are not limited to, the following:

- **Schools:** Surveillance video may be in use in or around school buildings. Each participating school maintains footage.
- **Buses:** All WCPS buses are equipped with digital video cameras. Video is in color and contains audio. These video recordings may be used to document events and responsibility for actions which occur on the buses.

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#### 8.06 Physical Restraint

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

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#### 8.07 Crisis Prevention Intervention

Crisis Prevention Intervention (CPI) is a technique used to de-escalate potentially unsafe conditions and assist students who exhibit behaviors that are dangerous to themselves or others. CPI techniques shall only be used by CPI-certified staff members when a student is at risk of injuring self, injuring others, or other circumstances covered by School-Based Decision Making (SBDM) council policy and/or agency policy. Student non-compliance does not warrant exclusive use of CPI physical assists.

Use of physical restraint in the public schools: When implementing a physical restraint, school personnel shall use only the amount of force reasonably believed to be necessary to protect the student or others from imminent danger of physical harm (see 704 KAR 7:160).

Staff training: All school personnel will be trained annually to use an array of positive behavioral supports and interventions to 1) Increase appropriate behaviors; 2) Decrease inappropriate or dangerous student behaviors; and 3) Respond to dangerous behavior.

Core team: A core team of selected personnel shall be trained in CPI to respond to dangerous behavior and physically restrain students. The core team, except sworn law enforcement officers, shall receive yearly training.

Documentation and parent notification: All physical restraints shall be documented by a written record of each use of physical restraint and be maintained in the student's education records. Each record of a use of physical restraint shall be informed by an interview with the student. If the student is not an emancipated youth, the parent shall be notified of the physical restraint through electronic communication, if available to parent, as soon as possible within 24 (twenty-four) hours of the incident. If the parent cannot be reached within 24 (twenty-four) hours, a written communication shall be mailed to parent via U.S. mail.

Debriefing session: If the parent or emancipated youth requests a debriefing session, a debriefing session shall be held after the imposition of physical restraint upon a student. The following persons shall participate in the debriefing session: 1) The implementer of the physical restraint; 2) At least 2 (two) of any other school personnel who were in proximity of the student immediately before or during the physical assist; 3) The parent of an un-emancipated student; 4) The student (if the parent requests or if the student is an emancipated youth); and 5) Appropriate supervisory and administrative school personnel, which may include appropriate Admission and Release Committee (ARC) members, Section 504 team members, or response to intervention team members. All documentation utilized in the debriefing session shall become part of student's education records.

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#### 8.08 Student Withdrawal Requirements

**A student 18 (eighteen) years of age who wishes to withdraw from school and end his/her education, may withdraw only after taking all the following steps:**

- The school must receive written notice of withdrawal from the student's parent.
- The parent and student must attend a 1 (one) hour counseling session with a school counselor.
- A standard form must be completed for the withdrawal from school of any student.
- Upon withdrawal, 1 (one) copy of the form shall be placed in the student's cumulative folder.

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#### 8.09 Sanctioned vs. Non-Sanctioned Sports

- The interscholastic athletics currently sanctioned and managed by the Kentucky High School Athletic Association (KHSAA) and the Webster County Board of Education include archery, cheerleading, baseball, basketball, cross country, football, golf, soccer, fast-pitch softball, tennis, track, and volleyball, ("sanctioned sports teams").
- While there are club/sports teams that may appear to be connected to the high/middle schools and many or even all of the players on the team may attend the high/middle school or another school in Webster County Public Schools, and sponsors or coaches may be employees of the board, the team itself operates independently of the high/middle school and of the district, as well as the KHSAA and players are not covered by student athletic insurance or KHSAA catastrophic insurance.
- A player's participation on the team may include contact with, or supervision by, individuals who purport to be skilled and/or knowledgeable about the sport, but who may or may not have expertise in the particular sport.
- The individuals associated with team may not be subject to a background check, including a criminal records check, prior to associating with team members, in contrast to the background/criminal records checks required of WCPS employees or volunteers prior to being permitted to be in contact with or supervise students.



- The sport may be a rough, physical contact sport and that, as with all contact sports, the possibility of injury to a player, be it serious or minor, always exists. While the sport may not necessarily be a contact sport per se, it may encompass various known and unknown inherent risks related to practice and/or association. There may not be a required medical examination for player or any players of the team nor a medical physician or trainer at the team's games or practice sessions.
- Participation may be on or off school grounds and may include, but is not limited to, practice sessions, games, meetings and other functions, parties, fund-raising activities, and the like, transportation to and from these activities, and overnight trips.
- For information concerning a specific school, please contact the principal.

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## 9.0 ANNUAL STATEMENTS AND NOTICES

### 9.01 FERPA/KFERPA

As governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and KRS 160.700 (KFERPA), each student 18 (eighteen) or older or his/her parent, if the student is under 18 (eighteen) or is the parent's dependent, has a right: 1). To inspect and review the student's education records; and 2). To challenge any misleading or inaccurate statement contained in records and request such statements be removed or corrected. For purposes of access to student records, "parent" is defined as: "natural parent, guardian, lawful custodian, or an individual acting as a parent of a student in the absence of a parent or guardian." Either natural parent has the authority to exercise the rights inherent in this policy unless the schools have been provided with a court order that provides expressly to the contrary.

The term "education records" means documents and other materials directly related to a student that are collected, maintained, or used by the Webster County Public School District. This includes records maintained by other agencies and individuals who have performed services for students on behalf of the district. Educational records include, but are not limited to: 1) Personal and family data; 2) Evaluation and test data, including aptitude, achievement, intelligence, personality, behavior observation, and other diagnostic information; 3) Medical, psychological, and anecdotal reports (if shared with others); 4) All records of school achievement and progress reports; 5) Student portfolios; 6) All discipline records; 7) Records of conferences with students and/or parents; 8) Copies of correspondence about the student; 9) Any photographs or video recordings of a student; and 10) Other information or data that is used in working with the student or required by federal and state regulations.

Other than school staff, authorized volunteers, contractors and vendors, and certain other agencies approved by federal law, no person may inspect or review a student's education records without the consent of the student, if he or she is 18 (eighteen) years of age or older; or parent, if the student is under 18 (eighteen) or is the parent's dependent; or without a properly issued court order.

Upon request, the district will disclose records without consent to officials of another school district in which the student seeks or intends to enroll.

The term "directory information" means the student's name, address, telephone listing, date and place of birth, participation in school recognized sports and activities, height and weight of members of athletic teams, dates of attendance, awards received, major field of study, and the most recent previous educational agency or institution attended by the student, contained in the education records in the custody of the public schools [KRS 160.700(1)]. Directory information does not include the education records.

Directory information shall be released, upon written request, to the news media, athletic associations, higher education providers, scholarship or college entrance committees, or official organizations only if the need for data is connected with a legitimate educational interest and purpose. Directory information may be released to official law enforcement agencies with permission of the superintendent or his/her designee. The district may disclose directory information unless notified in writing to the contrary by October 1 of each school year or within 30 (thirty) days of enrollment if after October 1.

Directory information may include a student's: 1) Name, address, telephone number and date of birth; 2) Participation in officially recognized activities and sports (including weight and height); 3) Dates of attendance within the Webster County Public Schools; 4) Awards of credits, diplomas, and special recognitions (including but not limited to, honor roll and proficient/distinguished test scores); and 5) Last educational institution of enrollment prior to enrollment in the Webster County Public School District. Directory information does not include education records.

Military Recruiters: Under current law, U.S. military recruiters have access to the names, addresses and telephone numbers of secondary school students. A parent, guardian or student may choose not to have this information released. To request that recruiters not receive information on a student, a Release of Information to Military Recruiters Opt-Out Form must be completed and sent to the superintendent's office. The opt-out request will remain in effect unless revoked by the parent/guardian or student.

Each parent and eligible student has the right to file a written complaint with the U.S. Department of Education if he/she feels the right to inspect the student's records, as set forth in Webster County Board of Education policy 09.14, has been wrongfully denied.

Each parent and eligible student may examine a copy of Webster County Board of Education policy 09.14 concerning student records.

Challenge to Content/Accuracy of Records: In the event of a challenge to the content or accuracy of a student's records upon the basis that the information contained therein is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, a written request presented to the principal must be completed and the parent of the student or the eligible student must be given the opportunity for a hearing to be conducted by the appropriate administrator appointed by the superintendent, who shall be designated as the "hearing official." The hearing will be held within a reasonable period of time after the superintendent has received a request for such a hearing and the parent of the student and/or the eligible student shall be given notice of the date, place, and time of the hearing reasonably in advance of the same.

The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of his or her choice, including an attorney, at his or her own expense.

If, as a result of the hearing, the board, through its hearing official, decides that the information is not inaccurate, misleading, or otherwise in violation of privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the hearing official.

Any such explanation placed in the education records of the student shall be maintained by the board as part of the education records of the student if the records or contested portion thereof are maintained by the board. If the education records of the student or the contested portion thereof are disclosed by the board to any party, the explanation shall also be disclosed to that party.

The hearing official shall make his/her decision in writing within a reasonable period after the conclusion of the hearing [34 CFR § 99.22(e)].

The decision of the hearing official shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Parents and eligible students who believe their rights have been violated may file a complaint with: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue SW Washington, D.C. 20202 (202) 260-3887 (VOICE) (800) 877-8339 (TDD).

STUDENTS 09.14 AP.111

## Notification of FERPA Rights

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

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

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

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

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

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

Parents or eligible students may ask the district to amend a record that they believe is inaccurate, misleading, or in violation of privacy or other rights. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights. If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

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

Exceptions that permit disclosure without consent include:

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

A school official has a legitimate educational interest if the official needs to review an education record to fulfill his/her professional responsibility to the district. This may include contractors, consultants, volunteers, and other parties to whom the district has outsourced services or functions.

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

- b) Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.
  - c) Disclosure to state and local educational authorities and accrediting organizations, subject to requirements of FERPA regulations.
  - d) Designated Kentucky State agencies may be permitted access to student record information, which will depend on the authority granted to their agency.
5. *The right to notify the district in writing to withhold information the board has designated as directory information as listed in the annual directory information notice the district provides to parents/eligible students.*

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

6. *The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U. S. armed forces and its service academies, the Kentucky Air National Guard, and the Kentucky Army National Guard. Unless the parent or secondary school student requests in writing that the district not release information, the student's name, address, and telephone number (if listed) shall be released to armed forces recruiters upon their request.*
7. *The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:*

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

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## 9.02 Protection of Pupil Rights Amendment

Parents and eligible students shall be notified of and given opportunity to opt out of participation in surveys, analyses, invasive physical exams, or screenings (excluding hearing, vision or scoliosis screenings), or evaluations that disclose protected information. This also applies to the collection, disclosure, or use of student information by third parties for marketing purposes. Parents and eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

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

- Consent before students is required to submit to a survey that concerns 1 (one) or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education:
  - Political affiliations or beliefs of the student or student's parent.
  - Mental or psychological problems of the student or student's family.
  - Sex behavior or attitudes.
  - Illegal, anti-social, self-incriminating, or demeaning behavior.
  - Critical appraisals of others with whom respondents have close family relationships.
  - Legally recognized privileged relationships such as with lawyers, physicians, or ministers.
  - Religious practices, affiliations, or beliefs of the student or the student's parents; or
  - Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
  -

- Receive notice and an opportunity to opt a student out of:
  - Any other protected information survey, regardless of funding.
  - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student (except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law); and
  - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
  
- Inspect, upon request and before administration or use:
  - Protected information surveys of students.
  - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - Instructional material used as part of the educational curriculum.

The district shall also notify parents and eligible students at least annually at the start of each school year of the specific or approximate dates of the activities listed above. Notification will provide an opportunity to opt a student out of participating in those activities.

Parents and eligible students who believe their rights have been violated may file a complaint with:

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

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### **9.03 Non-Discrimination**

It is the policy of the Webster County Public School District not to discriminate on the basis of race, color, national origin, age, religion, sex, gender identity, sexual orientation, disability, marital status, parental status, or any other basis in federal or state law as required by Titles VI and VII of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, the *Individuals with Disabilities Education Act of 1997 and 2004* ("IDEA"), Section 504 of the *Rehabilitation Act of 1973* ("Section 504"), the *Americans with Disabilities Act of 1990* ("ADA"), the *ADA Amendments Act of 2008* ("ADAAA") and the *McKinney- Vento Homeless Assistance Act of 1987*.

**Inquiries may also be directed to:**

*Office of Civil Rights U.S. Department of Education 400 Maryland Ave. SW Washington, DC 20202-4605*

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### **9.04 Special Education and Child Find**

In compliance with federal and state law, a *Free and Appropriate Education (FAPE)* in the *Least Restrictive Environment (LRE)* is provided by the Webster County Public School District to all pre-school aged children and school-aged children with certified disabilities within the jurisdiction of the district. Also in compliance with federal and state law, the school system maintains a comprehensive Child Find program to identify, locate and evaluate all children with disabilities residing within the attendance boundaries of the school system, including children with disabilities who are homeless children, wards of the state or children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services.

Referrals for special education and related services may be made by parents, school personnel or members of the community. For further information, contact the classroom teacher, special education teacher, counselor, principal or the Director of Special Education.

**Other helpful resources for parents can be found at:**

**Kentucky Department of Education Special Education Services**

<http://education.ky.gov/specialed/excep/Pages/default.aspx>

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**9.05 Annual Notice of Parent Consent for School District's Use of Public Benefits or Insurance (Medicaid) under 34 CFR §300.154(d)(2)(iv)**

The federal special education law known as the Individuals with Disabilities Education Act (IDEA) gives parents of IDEA students certain rights related to the school district's use of public benefits or insurance, such as Medicaid.

School districts sometimes ask parents if the district may use their public benefits or insurance to help pay for certain services provided at school. IDEA provides parents with the following rights in this area:

❖ Parents have the right to receive this notice in an understandable language.

This means that the annual notice must be written in clear language. It also means that the notice is provided in the parents' native language or other manner of communication used by the parents, unless it is clearly not practicable to do so.

❖ Parents must provide consent before their child's confidential information is disclosed. The school district must obtain parent consent under the Family Educational Rights and Privacy Act (FERPA), at 34 CFR Part 99, and IDEA, found at 34 CFR 300.622, before the school district may disclose the child's personally identifiable information to the agency in charge of the State's public benefits or insurance program (Medicaid).

❖ A child covered by IDEA has the right to special education and related services at no cost to the parents. For any service required to provide a Free Appropriate Public Education (FAPE) to a child eligible for IDEA, the school district:

- May not require parents to sign up for public benefits or insurance programs for the child to receive FAPE.
- May not require a parent to pay an out-of-pocket expense, such as the payment of a deductible or co-payment amount, for services provided at school. However, the district may pay the cost that the parent would otherwise be required to pay for the service.
- May not use the child's public benefits or insurance if using it would:
  - ✓ Decrease available lifetime coverage or other benefits.
  - ✓ Require the family to pay for services normally paid by public benefits or insurance, that the child needs outside of school.
  - ✓ Increase premiums or lead to discontinuation of public benefits or insurance; or,
  - ✓ Risk the child's eligibility for home and community-based waivers, due to the total amount of health care expenditures.

✓

◆ Parents may withdraw consent for disclosure of the child's confidential information at any time.

❖ If parents refuse consent or withdraw consent, the school district must still provide the required services to the child at no cost to the parents. The school district is still responsible for providing the child with a FAPE and must provide needed services, even if the district is no longer allowed to use the parents' public benefits or insurance.

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## 9.06 Student Free Speech and Religious Liberty Rights

**KRS 158.186 requires that school based decision-making councils receive copies of the below listed statutes as it relates to student free speech and religious liberty rights.**

### Legislative findings

- 1) The General Assembly finds the following:
  - a) Judicial decisions concerning religion, free speech, and public education are widely misunderstood and misapplied.
  - b) Confusion surrounding these decisions has caused some to be less accommodating of the religious liberty and free speech rights of students than permitted under the First Amendment to the United States Constitution.
  - c) Confusion surrounding these decisions has resulted in needless conflicts and litigation.
  - d) The Supreme Court of the United States has ruled that the establishment clause of the First Amendment to the United States Constitution requires that public schools neither advance nor inhibit religion. Public schools should be neutral in matters of faith and should treat religion with fairness and respect.
  - e) Neutrality to religion does not require hostility to religion. The establishment clause does not prohibit reasonable accommodation of religion, nor does the clause prohibit appropriated teaching about religion.
  - f) Accommodation of religion is required by the free speech and free exercise clauses of the First Amendment of the United States Constitution; and
  - g) Setting forth the religious liberty rights of students in a statute would assist students and parents in the enforcement of the religious liberty rights of students and would provide impetus to efforts in public schools to accommodate religious belief in feasible cases.
- 2) The purpose of KRS 158.181 to 158.187 is to create a safe harbor for schools desiring to avoid litigation and to allow the free speech and religious liberty rights of students to the extent permissible under the establishment clause.

### Prohibited acts by students- Rights of student- Administrative remedies.

- 1) A student shall have the right to carry out an activity described in any of paragraphs (a) to (d) of subsection (2) of this section, if the student does not:
  - a) Infringe on the rights of the school to:
    1. Maintain order and discipline.
    2. Prevent disruption of the educational process; and
    3. Determine educational curriculum and assignments.
  - b) Harass other persons or coerce other persons to participate in the activity; or
  - c) Otherwise infringe on the rights of other persons.
- 2) Subject to the provisions of subsection (1) of this section, a student shall be permitted to voluntarily:
  - a) Pray in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate, or speak on non-religious matters alone or with other students in the public school.
  - b) Express religious viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on non-religious topics or subjects in the school:
  - c) Speak to and attempt to discuss religious viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share nonreligious viewpoints with other students. However, any student may demand that this speech or these attempts to share religious viewpoints no be directed at him or her:
  - d) Distribute religious literature in a public school, subject to reasonable time, place, and manner restrictions to the same extent and under the same circumstances as a student is permitted to distribute literature on non-religious topics or subjects in the school; and

- e) Be absent, in accordance with attendance policy, from a public school to observe religious holidays and participate in other religious practices to the same extent and under the same circumstances as a student is permitted to be absent from a public school for non-religious purposes.
- 3) No action may be maintained under KRS 158.181 to 158.187 unless the student has exhausted the following administrative remedies.
  - a) The student or the student's parent or guardian shall state his or her complaint to the school's principal. The principal shall investigate and take appropriate action to ensure the rights of the student are resolved within seven (7) days of the date of the complaint.
  - b) If the concerns are not resolved, then the student or the student's parent or guardian shall make a complaint in writing to the superintendent with the specific facts of the alleged violation.
  - c) The superintendent shall investigate and take appropriate action to ensure that the rights of the student are resolved within thirty (30) days of the date of the written complaint; and
  - d) Only after the superintendent's investigation and action may a student or the student's parent or legal guardian pursue any other legal action.

**Construction favoring establishment clause, religious liberty, and free speech.**

- 1) Nothing in KRS 158.181 to 158.187 shall be construed to affect, interpret, or in any way address the establishment clause.
- 2) The specification of religious liberty or free speech rights in KRS 158.181 to 158.187 shall not be constructed to exclude or limit religious liberty or free speech rights otherwise protected by federal, state, or local law.

Construction prohibiting school employee from leading, directing, or encouraging religious or anti-religious activity in violation of establishment clause.

**Nothing in KRS 158.181 to 158.187 shall be construed to support, encourage, or permit a teacher, administrator, or other employee of the public schools to lead, direct, or encourage any religious or anti-religious activity in violation of the portion of the First Amendment of the United States Constitution prohibiting laws respecting an establishment of religion.**



10.0 Primary mailing address:

**WEBSTER COUNTY PUBLIC SCHOOLS**

**28 STATE ROUTE 1340**

**DIXON, KENTUCKY 42409**

**Ph# 270-639-5083 Fax 270-639-0117**

Clay Elementary 210 College Street Clay, KY 42404	270-664-2227
Dixon Elementary 277 State Route 1340 Dixon, KY 42409	270-639-9080
Providence Elementary 470 South Broadway Providence, KY 42450	270-667-7041
Sebree Elementary 61 North State Street Sebree, KY 42455	270-835-7891
Webster County Middle 1928 US HWY 41A South PO Box 198 Dixon, KY 42409	270-639-9496
Webster County High 1922 US HWY 41A South Dixon, KY 42409	270-639-5092