



HARDIN COUNTY SCHOOLS
HELPING CHILDREN SUCCEED

**NOTIFICATIONS and POLICIES
Code of Conduct 2024-25
ADDENDUM**

TABLE OF CONTENTS

Responsible Use Policy

Admissions and Attendance

Attendance Requirements

Student Records

Family Educational Rights and Privacy Act (FERPA)

Protection of Pupil Rights Amendment (PPRA) Notification

Bullying/Hazing

Use of Alcohol, Drugs, and Other Prohibited Substances

Tobacco, Alternative Nicotine, or Vapor Products

Disrupting the Educational Process

Harassment/Discrimination

Suspension

Expulsion

Search and Seizure

Weapons

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

The District provides access to and use of the Internet, email, and other District technology resources to its students and employees as part of the instructional process and to support the District's core values, mission, and vision. The Board supports this access and believes it is incumbent upon us and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner as required by this policy and related procedures, which apply to all parties who use District technology resources.

GENERAL STANDARDS FOR USERS

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

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

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

District employees and students are expected to abide by the instructions set forth in the applicable Responsible Use Agreement if using and/or accessing District technology resources from home. This may include, but is not limited to: District owned computers, laptops, Chromebooks, tablets, or other devices; District provided cloud services, e-mail, and applications.

SAFETY PROCEDURES AND GUIDELINES

The Superintendent/designee shall develop and implement appropriate procedures to provide guidance for access to global electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media, including but not limited to, the Internet, e-mail, and other District technological resources, and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response. Students who bring personal devices to school must use the school network to access the Internet. Use of mobile hotspots or personal data plans to access the Internet while at school is considered misuse.

Access to Electronic Media

(Responsible Use Policy)

SAFETY PROCEDURES AND GUIDELINES (CONTINUED)

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

- Controlling access by students to inappropriate material on the Internet;
- Safety and security of students when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Education of students about appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response;
- Preventing unauthorized access, including "hacking" and other unlawful activities by students online;
- Unauthorized disclosure, use and dissemination of personal information regarding students; and
- Restricting students' access to materials that are deemed obscene child pornography, or harmful to minors.

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

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

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

RESPONSIBLE USE AGREEMENT

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

The required student agreement (08.2323 AP.21) shall specify responsible uses of on-line behavior, access privileges, penalties for policy/procedural violations, and must be signed by the student and the parent/legal guardian of minor students (those under eighteen (18) years of age).

This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least eighteen (18) years old) (or in case of an employee, the employee) must provide the Superintendent with a written request.

Access to Electronic Media

(Responsible Use Policy)

EMPLOYEE USE

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

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

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

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

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

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

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

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

COMMUNITY USE

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

Access to Electronic Media

(Responsible Use Policy)

NO PRIVACY GUARANTEE

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

RESPONSIBLE USE VIOLATIONS

Failure to sign or uphold the responsibilities listed in the student and/or employee Responsible Use Agreement form will be considered misuse. Misuse of District devices and/or networks may result in restricted access. Such misuse may also lead to disciplinary and/or legal action including suspension, expulsion, or termination.

MAINTENANCE

A maintenance program shall be developed by the Technology Director. The maintenance program shall include provisions which will minimize "down-time" on network file servers.

RESPONSIBILITY FOR DAMAGES

The District makes no guarantees about the quality of the services provided and is not liable for any claims, losses, damages, costs, or other obligations arising from use of the network, District accounts, or equipment. Users are responsible for any charges incurred while using District devices and/or network including repair or replacement for District resources lost, stolen, damaged, or vandalized while under their care. The District also denies any liability for the accuracy or quality of the information obtained through user access. Any statement accessible online is understood to be the author's individual point of view and not that of the District, its affiliates, or employees.

Students under the age of eighteen (18) should only access District network accounts outside of school if a parent or legal guardian supervises their usage at all times. The student's parent or guardian is responsible for monitoring the student's use outside of school.

Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

RESPONDING TO CONCERNS

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media (08.2322).

Access to Electronic Media

(Responsible Use Policy)

AUDIT OF USE

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

The District shall establish a process to prevent and monitor the District's educational technology from being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters Internet access for both students and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by students, harmful to students;
2. Maintaining and securing a usage log;
3. Monitoring online activities of students; and
4. The District will take necessary measures to secure the network against potential cyber security threats. This may include blocking access to District applications, including but not limited to email, data management and reporting tools, and other web applications.

RETENTION OF RECORDS FOR E-RATE PARTICIPANTS

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

REFERENCES:

KRS 156.675; KRS 365.732; KRS 365.734
701 KAR 005:120
16 KAR 1:020 KAR 001:020 (Code of Ethics (Code of Ethics)
47 U.S.C. 254/Children's Internet Protection Act; 47 C.F.R. 54.520
Kentucky Education Technology System (KETS)
47 C.F.R. 54.516
15-ORD-190

RELATED POLICIES:

03.13214/03.23214; 03.1325/03.2325; 03.17/03.27; 8.1353, 08.2322
09.14, 09.421, 09.422, 09.425, 09.426; 09.4261; 10.5

Adopted/Amended: 6/17/2021
Order #: 10917

Admissions and Attendance

DEFINITION OF LEGAL RESIDENCE

The legal residence of a pupil is determined by the address of the legal residence of the parent or guardian who has custody of the student as evidenced by legal documents or as otherwise provided by state or federal law (and not by the address at which the pupil is living.)

All other pupils shall be classified as nonresidents for school purposes.¹

HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

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

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

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

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

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

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

Admissions and Attendance**HOMELESS CHILDREN AND UNACCOMPANIED YOUTH (CONTINUED)**

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

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District liaison. If a complaint arises regarding services or placement of homeless children and unaccompanied youth, the dispute resolution procedures as set forth in 704 KAR 007:090 shall apply.

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

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

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

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

CHILDREN IN FOSTER CARE

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

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

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

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

When possible, a child exiting the foster care program during the school year shall be allowed to complete the school year in the school of origin.

Admissions and Attendance**BEST INTEREST OF THE CHILD**

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

- The benefits to the child of maintaining educational stability;
- The appropriateness of the current educational setting;
- The child's attachment and meaningful relationships with staff and peers at the current educational setting;
- The influence of the school's climate on the child;
- The safety of the child; and
- The proximity of the placement to the school of origin, and how the length of a commute would impact the child.

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

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

IMMIGRANTS

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

The District may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first.

NONRESIDENTS

Nonresident pupils may be enrolled in the District's schools in accordance with Board policies 09.1222, 09.124, and upon approval of the Superintendent. Once a nonresident student is enrolled for the academic year, the student may not be dismissed during that academic year without applicable due process.³

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

Admissions and Attendance**NONRESIDENTS (CONTINUED)**

All costs for any special services offered to the child shall be paid by the resident district. The resident district shall be permitted to count the student for IDEA-B funding purposes.

FORT KNOX COMMUNITY SCHOOLS

Students whose guardian/s are active duty military or U.S. Government employees and reside on post must attend Ft. Knox Community Schools, unless Ft. Knox Community Schools Superintendent provides a letter releasing the student to enroll in Hardin County Schools along with Hardin County Schools Superintendent/principal approval. If the parents of a student(s) residing in the Hardin County School District subsequently move on post prior to the beginning of the second semester (for trimester schedules, a student that moves to post during the first half of the school year would enroll on post), the student(s) will be withdrawn from the Hardin County Schools, except for rising seniors (juniors) and seniors who are on track to graduate. Students whose parents move on post after the beginning of the second semester may be permitted to attend Hardin County Schools for the remainder of that school year with the Principal's approval. Students that move with their families on post during their junior (rising senior) or senior year may remain enrolled in Hardin County Schools until graduation. Parents are responsible for transporting the student.

SURVEY

Each year a survey shall be conducted to determine the number of students whose parents are civilians employed on Federal property or in active military service. The purpose of such survey shall be to determine how much Federal Impact Aid the District is eligible to receive.

Teachers shall assist in the distribution and collection of forms for such survey.

FOREIGN EXCHANGE STUDENTS

The Hardin County Schools will accept high school students participating in international exchange programs recognized by the United States Department of Education or the Kentucky State Department of Education.

NON-IMMIGRANT FOREIGN STUDENTS

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

1. These students shall not be permitted to attend any publicly funded adult education program.
2. These students may be permitted to attend in grades nine through twelve (9-12), but not at earlier grade levels.

Admissions and Attendance**NON-IMMIGRANT FOREIGN STUDENTS(CONTINUED)**

3. As required by law, these students shall pay a tuition fee equal to the full, unsubsidized per capita cost to the District for providing education to the student for the period of attendance.
4. The period of attendance shall not exceed twelve (12) months.

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

EXPELLED/CONVICTED STUDENTS

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

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

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.⁴

Any student currently serving an expulsion from any other public or private school system may not enroll in the Hardin County School System until the expulsion period has expired.

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

REFERENCES:

¹KRS 159.010; OAG 78-64

²42 U.S.C. 11431 et seq. (McKinney-Vento Act)

³KRS 158.120; OAG 80-47; OAG 79-327; OAG 75-602; G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir., 2013)

⁴KRS 158.155; KRS 157.330; KRS 158.150

KRS 157.320; KRS 157.350; KRS 157.360; KRS 158.100; KRS 199.802

702 KAR 007:125; 704 KAR 007:090; OAG 91-171

P. L. 104-208

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

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

Plyler v. Doe, 457 U.S. 202 (1982)

Equal Educational Opportunities Act of 1974 (EEOA)

Admissions and Attendance

RELATED POLICIES:

³03.127; 09.1222; 09.124

03.226; 09.11; 09.121; 09.123; 09.1223; 09.123; 09.124

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

09.14; 09.211

Adopted/Amended: 6/16/2022

Order #: 11026

Attendance Requirements

COMPULSORY ATTENDANCE

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

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

EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

1. A graduate from an accredited or approved 4-year high school;
2. A pupil who is enrolled in a private or parochial school;
3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten nursery school;
4. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study;
5. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children;
6. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children;² or
7. A student enrolled in a District-operated alternative education program who attains a High School Equivalency Diploma.⁸

STATEMENT REQUIRED

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

EXCEPTIONS TO PRESENCE AT SCHOOL

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

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

Attendance Requirements**EXCEPTIONS TO PRESENCE AT SCHOOL (CONTINUED)**

3. Students may participate in co-curricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when co-curricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.⁴
4. Students enrolled and participating in a full-time, online, virtual and remote learning program, or participating in an off-site virtual high school class or block may be counted in attendance in keeping with statute and regulation.^{4 & 9}
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.⁴
6. In accordance with KRS 158.240, students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.⁵
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.⁶
8. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 003:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.^{4 & 7}
9. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.³
10. Students participating in any of the page programs of the General Assembly.³

Attendance Requirements

REFERENCES:

- ¹KRS 159.010; OAG 85-55
- ²KRS 159.030
- ³KRS 159.035
- ⁴702 KAR 007:125
- ⁵KRS 158.240
- ⁶KRS 158.070
- ⁷704 KAR 003:305
- ⁸KRS 158.143
- ⁹KRS 158.150
- KRS 158.030; KRS 159.020; KRS 159.180; KRS 159.990
- 704 KAR 003:535; 704 KAR 005:060
- OAG 79-68; OAG 79-539; OAG 87-40; OAG 97-26

RELATED POLICIES:

08.131; 08.1312; 09.111; 09.121; 09.123; 09.36

Adopted/Amended: 6/15/2023
Order #: 11129

Student Records

Data and information about students shall be gathered to provide a sound basis for educational decisions and to enable preparation of necessary reports.

PROCEDURE TO BE ESTABLISHED

The Superintendent shall establish procedures to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

DISCLOSURE OF RECORDS

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

Upon written request, parents or eligible students may be provided copies of their educational records, including those maintained in electronic format, when necessary to reasonably permit inspection. Such copies shall be provided in a manner that protects the confidentiality of other students. A reasonable fee may be charged for copies.

District personnel must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

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

Authorized District personnel also may disclose personally identifiable information to the following without written parental consent:

- Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- Authorized representatives of a Kentucky state child welfare agency if such agency presents to the District an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the child's case plan.
- School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

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

Contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions may access student records provided they are:

Student Records

DISCLOSURE OF RECORDS (CONTINUED)

- Under the District's direct control with respect to the use and maintenance of education records; and
- Prohibited from disclosing the information to any other party without the prior written consent of the parent/eligible student, or as otherwise authorized by law.

DISCLOSURE TO REPRESENTATIVES FOR FEDERAL OR STATE PROGRAM PURPOSES

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

DUTY TO REPORT

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

DIRECTORY INFORMATION

The Superintendent/designee is authorized to release Board-approved student directory information. Approved "directory information" shall be: name, address, phone number, date and place of birth, student's school email address, major field of study, participation in officially recognized activities and sports, photograph/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, and most recent educational institution attended. Any eligible student or parent/guardian who does not wish to have directory information released shall notify the Superintendent/designee in writing within thirty (30) calendar days after receiving notification of FERPA rights.

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

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

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

SURVEYS OF PROTECTED INFORMATION

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

Student Records

SURVEYS OF PROTECTED INFORMATION (CONTINUED)

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

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

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

PPRA requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Act (IDEA).

STUDENTS WITH DISABILITIES

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

RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

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

JUVENILE COURT RECORDS

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. Only the Superintendent and school administrative, transportation, and counseling personnel or teachers or other school employees with whom the student may come in contact shall be privy to this information, which shall be kept in a locked file when not in use and opened only with permission of the administrator.

Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child's student record.²

Student Records**RECORDS OF MISSING CHILDREN**

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

COURT ORDER/SUBPOENA

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. In compliance with FERPA, notice to the parent is not required when a court order directs that disclosure be made without notification of the student or parent, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party. If the District receives such orders, the matter(s) may be referred to local counsel for advice.

REFERENCES:

¹Section 152 of the Internal Revenue Code of 1986

²KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345

KRS 7.110; KRS 15A.067; KRS 17.125; KRS 158.032; KRS 159.160

KRS 159.250; KRS 160.990

KRS 161.200; KRS 161.210

KRS 365.732; KRS 365.734; KRS 600.070

702 KAR 001:140; 702 KAR 003:220

20 U.S.C. 1232g et seq., 34 C.F.R. 99.1 - 99.67

20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98

OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2; OAG 93-35

Kentucky Family Educational Rights and Privacy Act (KRS 160.700; KRS 160.705

KRS 160.710; KRS 160.715; KRS 160.720; KRS 160.725; KRS 160.730)

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)

Kentucky Education Technology System (KETS)

P. L. 114-95, (Every Student Succeeds Act of 2015)

42 U.S.C. 11431 et seq. (McKinney-Vento Act)

RELATED POLICIES:

09.111; 09.12311; 09.43

Adopted/Amended: 6/15/2017

Order #: 10612

Family Educational Rights and Privacy Act

The following rules and procedures shall be complied with relative to disclosure of student records:

1. The District shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Family Educational Rights and Privacy Act (FERPA).

The notification also shall be furnished to parents of all new students and to all new eligible students by the Principal at the time of enrollment.

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

Subject to federal opt-out rights, directory information shall be made available to Armed Forces recruiters and institutions of higher education on the same basis as it is provided to the public.

3. Parents or eligible students who wish to review educational records may make a request on the appropriate form. Forms are available at the school and in the Central Office. Access shall be provided within a reasonable time frame, not to exceed forty-five (45) calendar days of District receipt of the request. Because, a shorter timeline is required in certain situations involving IDEA students, staff shall adhere to the District's special education procedures for responding to such requests.

If circumstances effectively prevent a parent or eligible student from exercising inspection rights, copies of the requested records shall be provided within the above stated time frame.

Until any questions are resolved, no student record held by the District shall be discarded when the record is under an outstanding request to inspect or review.

4. School authorities shall make a documented effort to notify the parent or eligible student prior to complying with a court order or subpoena that directs the disclosure of information concerning the student. In compliance with FERPA, notice to the parent is not required when a court order directs that the parent/eligible student is not to be notified, or when the order is issued in the context of a dependency, neglect, or abuse proceeding in which the parent is a party.

As noted in the District's annual FERPA notice, parent consent/notification is not required to release student records to another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled.

5. The District shall disclose personally identifiable student information to an organization designated to conduct a study for or on behalf of the District only when a written agreement has been established with the organization. Such disclosure does not require parent/eligible student consent.
6. The parent or eligible student must sign a request and consent form before a student's records are to be transferred to an agency or individual not authorized under law to receive them.

Family Educational Rights and Privacy Act

7. A log shall be maintained of student records requests and disclosures, including emergency disclosures in response to an actual, impending, or imminent articulable and significant health/safety threat. The log requirement does not apply to the following:
 - a. Disclosures made to parents or eligible students,
 - b. Records released pursuant to written consent,
 - c. Access by school officials and others having a legitimate educational interest under FERPA,
 - d. Disclosure to a party with written consent from a parent or eligible student,
 - e. Disclosures of directory information, or
 - f. Disclosures of records made pursuant to a subpoena or court order where a court order or other law provides that the parent or student are not to be notified.
8. A challenge to the records may take the form of an informal discussion among the parents, student, and school officials. Any agreement between these parties shall be reduced in writing, signed by all parties, and placed in the student's records.
9. Upon request, the Superintendent/designee shall, arrange for a record amendment hearing in compliance with 702 KAR 001:140.

RELATED PROCEDURES:

All 09.14 procedures

Review/Revised:6/16/2016

Notification of PPRA Rights

Distribute this notice annually to parents and students.

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

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

- ◆ **Receive notice and an opportunity to opt a student out of:**
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student (except for any physical exam or screening permitted or required under state law); and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. **NOTE:** If the parent/eligible student has indicated no directory information is to be provided to third parties or if the marketing activity involves provision of social security numbers, consent form 09.14 AP.122 should be used.

- ◆ **Inspect, upon request and before administration or use:**
 1. Protected information surveys to be used with students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

Notification of PPRA Rights

The District shall annually provide parents and eligible students notice of these rights under law in the Student Handbook, the District *Code of Acceptable Behavior and Discipline*, or other avenue designated by the Superintendent/designee.

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

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

Review/Revised:6/17/10

Bullying/Hazing

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

ACTIONS NOT TOLERATED

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

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

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

BULLYING DEFINED

Per KRS 158.148, “bullying” is defined as any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:

1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event: or
2. That disrupts the education process.

This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process.

HAZING DEFINED

Per KRS 508.180, “hazing” is defined as an action which endangers the mental or physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization*, including but not limited to actions which cause, coerce, or force a minor or a student to:

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

Bullying/Hazing**HAZING DEFINED (CONTINUED)**

- (e) Endure brutality of a sexual nature; or
- (f) Endure any other activity that creates a reasonable likelihood or mental harm or physical injury to the minor or student.

*Per KRS 508.180, “organization” is defined as a number of persons who are associated with a school or postsecondary education institution and each other, including a student organization, fraternity, sorority, association, corporation, order, society, corps, club, or similar group and includes any student organization registered pursuant to policies of the school or postsecondary education institution at any time during the previous five (5) years.

REPORTS

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

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party.

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

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

In certain cases, employees must do the following:

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

OTHER CLAIMS

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

Bullying/Hazing

REFERENCES:

¹KRS 158.150

KRS 158.148

KRS 158.156

KRS 160.290

KRS 508.180

KRS 525.080

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

Mahanoy Area School District v. B. L., 594 US _ (2021)

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

RELATED POLICIES:

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438

09.2211 (re: reports required by law)

Adopted/Amended: 6/15/2023

Order #: 11129

Use of Alcohol, Drugs, and Other Prohibited Substances

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

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

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the student's intent to pass off the item as a controlled substance.
4. Any product containing CBD or THC (and their derivatives).

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

DEFINITIONS

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

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

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

AUTHORIZED MEDICATION

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy, except that medically authorized CBD or THC may not be possessed on or about school property.

PENALTY

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

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

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

PREVENTION PROGRAM

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

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

DRUG-TESTING**STATEMENT OF PURPOSE**

Today, drug abuse has grown to major proportions in our society. The high school setting is not exempt from this phenomenon. It is vital that educators and parents continually explore ways to institute programs that encourage a drug-free lifestyle for students/children. It is to that end that this program is created to provide the appropriate action plan to address and nurture a drug-free environment.

WHO WILL BE AFFECTED

All students who will be driving or parking on school property or who choose to participate on any Hardin County high school athletic team, marching band/color guard, cheerleading squad or serve as a team manager, each of which is a voluntary extracurricular activity, must abide by this policy. This includes players at the varsity or subvarsity level.

EDUCATION

At least once each semester, this policy shall be reviewed with high school athletes, artists (from this point forward in this policy, artists shall include marching band/color guard), and students who will be driving or parking on school property.

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

In order to accomplish the purpose of this policy, each student participant on each high school team, marching band/color guard, or who will be driving or parking on school property shall be required to participate in a program of substance abuse testing. Testing shall be accomplished by the analysis of urine specimens obtained from the student participants. Collection and testing procedures shall be established, maintained and administered to ensure (a) randomness of selection procedures, (b) proper student identification, (c) that each specimen is identified with the appropriate student participant, (d) maintenance of the unadulterated integrity of the specimen, and (e) the integrity of the collection and test process as well as the confidentiality of test results.

SUBSTANCES TESTED

Student participants' urine specimens shall be tested for the following:

- (a) amphetamines, (b) marijuana (THC), (c) cocaine and its derivatives, (d) opiates,
- (e) phencyclidine (PCP), (f) benzodiazepine, (g) barbiturates, (h) methadone,
- (i) methaqualone, (j) propoxyphene, and (k) such other abused, illegal, or banned substances.

SANCTIONS/VIOLATIONS

Any student chosen for random drug-testing, who signs out of school on the day their number is drawn, or who tampers with their specimen, shall have forty-eight (48) hours to report to the designated testing facility to be tested. If the student does not report to be tested, they will be assumed in violation of the policy and sanctions shall take effect. The Principal may make exceptions based on valid excuses given by the student.

SANCTIONS FOR STUDENTS WHO WILL BE DRIVING OR PARKING ON SCHOOL PROPERTY

Refusal to participate shall result in a one (1) calendar year suspension of driving/parking on school property privileges to school.

First Violation - shall result in a twelve (12) school week suspension of driving/parking on school property privileges to school. The student driver and his parents/guardians shall be notified, and the Principal shall convene a meeting with the student and his/her parents/guardians. At the expense of the parents/guardians, the parents/guardians shall seek an evaluation of the student's drug use from a qualified chemical dependency counselor acceptable to the District. Reinstatement will require a clean drug screen performed at the school.

Second Violation - shall result in loss of driving/parking privileges to school for the remainder of the student's high school career. If a student is caught driving/parking on school property while driving privileges have been suspended, further sanctions could occur.

SANCTIONS FOR STUDENT ATHLETES/ARTISTS

First Violation – If a sample tests positive, the athlete and his parents or guardians shall be notified, and the Principal shall convene a meeting with the student and his parents or guardians, at which time the student has one of the following options:

Use of Alcohol, Drugs, and Other Prohibited Substances**SANCTIONS FOR STUDENT ATHLETES/ARTISTS (CONTINUED)**

- (1) At the expense of the parents/guardians, the parents/guardians shall seek an evaluation of the student's drug use from a qualified chemical dependency counselor acceptable to the District. Additionally, at the expense of the parents/guardians, weekly urinalysis will be conducted during this time. At the expense of the Board, drug testing will be conducted every sixty (60) days thereafter as long as the student is a member of a sports team, cheerleading squad or serves as a team manager for the current school year. The student is also automatically suspended for ten (10) days from participating in any athletic event/contest; however, the student may be allowed to practice. Athletes/artists who are student drivers will be subject to the first violation for student drivers (loss of driving privileges for twelve (12) weeks).
- (2) If a student who tests positive fails to abide by Option 1 then the violator will suffer suspension from all athletics/contests, including practices, for the remainder of the current season and the next athletic season for all sports/contests (sports teams, cheerleading squads, marching band/color guard, or team managers).

Second Violation – A subsequent offense results in automatic imposition of suspension from all athletics/contests (including practices) for all sports for a twelve (12) month period.

Third Violation – The student participant shall be excluded from participation in any athletic team, marching band/color guard for the remainder of the student's interscholastic eligibility.

AMENDMENT OF POLICY

This policy may be amended at any time by the Hardin County Board of Education.

REFERENCES:

KRS 158.150; KRS 158.154; KRS 158.155

KRS 160.290; KRS 161.180

KRS 217.900; KRS 218A.020; KRS 218A.1430; KRS 218A.1447

OAG 82-633; OAG 93-32

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

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

RELATED POLICY:

09.2241

Adopted/Amended: 8/17/2023

Order #: 11146

Controlled Substances Violation Referral Process**USE OF ALCOHOL, DRUGS, AND OTHER PROHIBITED SUBSTANCES**

In compliance with the Student Code of Conduct, it is a behavioral violation for students to be under the influence or to use, possess, sell, transmit, distribute or transfer controlled substances, look-alikes, drug paraphernalia, or alcohol on the school premises or during a school related event. Prescription drugs and over the counter medications are not to be sold, transmitted, distributed or transferred by students. Prescription drugs are to be used and possessed only by the person named on the prescription.

It is a behavioral violation for students to inhale substances for the purpose of obtaining a mood altering effect.

The Principal or designee shall determine whether there is a violation of the Drug and Alcohol Policy. Once the violation has occurred, the Principal shall contact the parents/guardians, notify the local police department, sheriff, or Kentucky State Police, and the District Title IV Coordinator. The Principal or designee shall conduct a conference with the student, parents, and Title IV Coordinator.

SANCTIONS**FIRST OFFENSE: POSSESSION, USE OR UNDER THE INFLUENCE.**

The student shall receive a three (3) day suspension and the incident will be reported to the assigned School Resource Officer (SRO) for the school. The student will be referred to College View Campus Alternative School for a period of twenty (20) school days. ***The District will hold Saturday, Title IV sessions two (2) times per month based upon need and staffing. Each Saturday session shall be voluntary for student attendance. Saturday sessions will begin at 9:00a.m. and end at 2:00p.m. Transportation will not be provided by the District for the voluntary Saturday session. Students who attend Saturday sessions shall bring their own lunch. The full Saturday session (9:00a – 2:00p) must be attended for a student to receive full credit for two (2) school days of programming and materials. Upon successfully completing the program (i.e. good behavior, Title IV counseling, etc.) the student may return to their home school.

Failure to complete the program will result in a student remaining at College View Campus for a period of twelve (12) weeks. In addition, the student will lose the privilege of driving to school and the privilege of participating in extracurricular activities including attendance of school social or athletic functions (example: homecoming, proms) for a period of twelve (12) weeks. The privileges of driving and participation in extracurricular activities may be reinstated after a twelve (12) week period upon approval by the Principal or designee and relevant coaches/sponsors.

Student will submit to the following:

1. Student and parents/guardians meet with the Principal and Title IV Coordinator.

Controlled Substances Violation Referral Process**FIRST OFFENSE: POSSESSION, USE OR UNDER THE INFLUENCE (CONTINUED)**

2. At the expense of the parents/guardians, the parents/guardians shall seek an evaluation of the student's alcohol or drug use from a qualified chemical dependency counselor acceptable to the District.
3. Parents/guardians will sign a release of information so that the District Title IV Coordinator can monitor compliance by the student with recommendations from the evaluation. Confirmation that an appointment for an evaluation or that an evaluation has been conducted is required when the student returns to school after serving his/her suspension.
4. Failure to comply with a required evaluation or recommendations from the evaluation or of the Title IV Coordinator may result in additional days added to the alternative school placement.

The Title IV Coordinator is available to discuss additional, outside supports for drug/alcohol use, abuse, and dependency. **Second Offense: Possession, use, or under the influence**

1. Second offense is defined as the second incident of violation of this policy while attending the District. The student will be suspended and may be referred to the Board for expulsion procedures. Due process procedures for suspension and expulsion shall apply.
2. The incident will be reported to the assigned School Resource Officer (SRO) for the school.

SALE, DISTRIBUTION OR TRANSFER

1. The student will be suspended and referred to the Board for expulsion proceedings. Due process procedures for suspension and expulsion shall apply.
2. The incident will be reported to the assigned School Resource Officer (SRO) for the school.

LOOK ALIKES

A student in possession of, attempting to sell or transmit a substance represented as or looking like an illegal or controlled substance may be treated as if it is such a substance, even if it is later found to be a look-alike. Disciplinary action up to and including dismissal from athletic teams and/or school sponsored activities, suspension and expulsion may be taken. Due process procedures for suspension and expulsion shall be followed. The Title IV Coordinator will be notified.

Controlled Substances Violation Referral Process**PRESCRIPTION DRUGS**

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered a violation of this policy. Prescription drugs are to be possessed only by the person named on the prescription and shall be used in accordance with the prescription for medicinal purposes.

1. If the Principal or designee determines that prescription drugs were used in an unauthorized way or transmitted for use by another student this shall constitute a reason for disciplinary action of three days suspension. Due process procedures for suspension shall apply.
2. If the Principal or designee determines that prescription drugs were transmitted or used for the purpose of obtaining a mood-altering effect or transmitted or used in an amount that exceeds the labeled dosage, this shall constitute reason for disciplinary action under the procedures outlined in the first offenses section for use of Alcohol, Drugs, and Other Prohibited Substances.
3. If the Principal or designee determines that prescription drugs were sold to another student, the student will be suspended and referred for a student pre-expulsion hearing with the Chief of Student Services. The pre-hearing may result in an expulsion proceeding with the Board. Due process procedures for suspension and expulsion shall apply.
4. If state or federal law requires reporting of the substance involved in a violation, a juvenile petition will be filed with the Court Designated Worker or a complaint filed with the County Attorney.
5. If a student has a second behavioral violation involving prescription drugs, this shall constitute reason for disciplinary action under procedures outlined in the first offense section for use of Alcohol, Drugs, and Other Controlled Substances.

OVER-THE-COUNTER MEDICATIONS

Over the counter medications are not to be sold or transmitted by students. If the Principal or designee determines that over the counter medications were sold, transmitted or used for the purpose of obtaining a mood-altering effect (i.e. mini-thins, diet pills, products containing ephedrine) or in an amount that exceeds the labeled dosage, this shall constitute reason for disciplinary action up to and including dismissal from athletic teams and/or school sponsored activities, suspension, or expulsion. Due process procedures for suspension or expulsion apply. If state or federal law requires reporting of the substance involved in a violation, a juvenile petition will be filed with the Court Designated Worker or a complaint filed with the County Attorney. The Title IV Coordinator will be notified.

Controlled Substances Violation Referral Process**INHALANTS**

The inhaling of substances for the purpose of obtaining a mood altering effect is prohibited (e.g. butane, nitrous oxide, glues, whiteout, gasoline, etc.).

1. If the Principal or designee determines that a substance was inhaled for the purpose of obtaining a mood-altering effect this shall constitute reason for disciplinary action up to and including dismissal from athletic teams and/or school sponsored activities, suspension, or expulsion. Due process for suspension or expulsion applies. If state or federal law requires reporting possession of the substance involved as a criminal violation, a juvenile petition will be filed with the Court Designated Worker or a complaint filed with the County Attorney. The Title IV Coordinator will be notified.
2. If a student has a second behavioral violation involving inhalants, this shall constitute reason for disciplinary action under procedures outlined in the First Offense Section for Use of Alcohol, Drugs, and Other Prohibited Substances. The Title IV Coordinator will be notified. After completing the procedures outlined in the First Offense Section, if the student has another inhalant violation, the student will be suspended and referred to the Chief of Student Services for a student pre-expulsion hearing. The pre-expulsion hearing may result in an expulsion proceeding before the Board. Due process procedures for suspension and expulsion shall apply.
3. If the Principal or designee determines that the severity of the first incident involving the use of the inhalant warrants a drug evaluation, the Principal or designee may invoke the First Offense Section of the District administrative regulation dealing with Use of Alcohol, Drugs and Other Prohibited Substances. The Title IV Coordinator will be notified. After completing the procedures outlined in the First Offense Section, if the student has another inhalant violation the student will be suspended and referred to the Chief of Student Services for a student pre-expulsion hearing. The pre-expulsion hearing may result in an expulsion proceeding before the Board. Due process procedures for suspension and expulsion shall apply.

CASES INVOLVING STUDENTS WITH DISABILITIES

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

***If a student is tardy for a session (after 9:00 a.m.) or leaves early (before 2:00 p.m.) for a voluntary, Saturday session of Title IV programming, no credits shall be earned for the day. Each Saturday session shall count as two (2) full school days of attendance in the Title IV program. The District may schedule the days for Saturday sessions as the need and staffing are noted. The District may assign two (2) Saturday sessions per month that school is in session.

Review/Revised:6/6/2022

Tobacco, Alternative Nicotine, or Vapor Products

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

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

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

School employees shall enforce the policy. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the Code of Acceptable Behavior and Discipline.

The Superintendent shall develop procedures for the implementation of this policy.

REFERENCES:

KRS 160.290; KRS 160.340; KRS 161.180

KRS 438.050; KRS 438.305; KRS 438.345; KRS 438.350

OAG 81-295; OAG 91-137

P. L. 1114-95, (Every Student Succeeds Act of 2015)

RELATED POLICIES:

03.1327; 03.2327; 05.31; 06.221; 10.5

Adopted/Amended: 6/20/2019

Order #: 10735

Tobacco/Vaping Violation Procedures

Any action under these discipline measures and penalties related to students with disabilities shall be in compliance with applicable federal Individuals with Disabilities Education Act (IDEA) and state law.

This is per student, per grade level (the offense discipline shall start over each school year).

ELEMENTARY STUDENTS (K - 5)

Under each offense, the product will be confiscated and disposed of. The item will not be returned to the student or parent/guardian. If the item in question is subject to Policy 09.423, those procedures shall apply.

- 1st offense: One (1) day of in-school detention/removal and a developmentally appropriate module or lesson on vaping and the dangers of vaping. (Parent Notified)
- 2nd offense: One (1) day of after-school detention and a developmentally appropriate module or lesson on vaping and the dangers of vaping. (Parent Notified)
- 3rd offense: One (1) day of out-of-school suspension and the completion of a developmentally appropriate module or lesson on vaping and the dangers of vaping. (Parent Notified)
- 4th offense: Three (3) days of out-of-school suspension and the completion of a developmentally appropriate module or lesson on vaping and the dangers of vaping. (Parent Notified)
- 5th offense: Five (5) days of out-of-school suspension and the completion of a developmentally appropriate module or lesson on vaping and the dangers of vaping. (Parent Notified)

MIDDLE SCHOOL STUDENTS (6 - 8 GRADE)

Under each offense, the product will be confiscated and disposed of. The item will not be returned to the student or parent/guardian. If the item in question is subject to Policy 09.423, those procedures shall apply.

- 1st offense: One (1) day of in-school detention/removal. (Parent Notified)
- 2nd offense: Two (2) days of in-school detention/removal. (Parent Notified)
- 3rd offense: One (1) day of out-of-school suspension. (Parent Notified)
- 4th offense: Two (2) days of out-of-school suspension. (Parent Notified)
- 5th offense: Pre-expulsion/due process hearing for the Code of Conduct violation and possible referral to the Board for expulsion consideration. (Parent Notified)

Tobacco/Vaping Violation Procedures**HIGH SCHOOL STUDENTS (9 – 12 GRADE)**

Under each offense, the product will be confiscated and disposed of. The item will not be returned to the student or parent/guardian. If the item in question is subject to Policy 09.423, those procedures shall apply.

- 1st offense - One (1) day of in-school detention/removal. (Parent Notified)
- 2nd offense - Two (2) days of in-school detention/removal. (Parent Notified)
- 3rd offense - One (1) day of out-of-school suspension. (Parent Notified)
- 4th offense - Two (2) days of out-of-school suspension. (Parent Notified)
- 5th offense - Pre-expulsion/due process hearing for the Code of Conduct violation and possible referral to the Board for expulsion consideration. (Parent Notified)

**If the outcome of a vaping offense is at the step of an out-of-school suspension, it may result in a Student Discipline Hearing or alternative school referral based on the three suspendable offense procedure.

Review/Revised:6/15/2023

Disrupting the Educational Process

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

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

REMOVAL

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

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

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

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

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

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

Disrupting the Educational Process

OTHER CLAIMS

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

REFERENCES:

KRS 158.150; KRS 158.165; KRS 160.290

RELATED POLICIES:

09.13; 09.422; 09.425; 09.4281; 09.42811; 09.431; 09.438

Adopted/Amended: 6/15/2023
Order #: 11129

Harassment/Discrimination

DEFINITION

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

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

PROHIBITIONS

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

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

DISCIPLINARY ACTION

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

GUIDELINES

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the Civil Rights Compliance Officer.

Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent.

The Superintendent shall provide for the following:

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

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

Harassment/Discrimination

GUIDELINES (CONTINUED)

2. A process to identify and implement, within three (3) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
 - such other measures as determined by the Superintendent/designee.Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved code of acceptable behavior and discipline.
3. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
4. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the Civil Rights Compliance Officer, as designated in the student handbook/code, shall be notified.

NOTIFICATIONS

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

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

PROHIBITED CONDUCT

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

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors; and
3. Instances involving sexual violence.

CONFIDENTIALITY

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

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent or Civil Rights Compliance Officer (HCS Harassment/Discrimination Complaint Procedure).

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

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

NONRETALIATION

No one shall retaliate against any student or any other person because s/he has submitted a grievance, assisted or participated in an investigation, proceeding, or hearing regarding discrimination or harassment of an individual or because s/he has opposed language or conduct that violates this policy.

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

FALSE COMPLAINTS

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

OTHER CLAIMS

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

Harassment/Discrimination

REFERENCES:

¹KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII

Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance (U.S. Department of Education)

U.S. Supreme Court – *Franklin vs. Gwinnett County*

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII

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

34 C.F.R. 106.1 – 106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX

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

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

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

RELATED POLICIES:

03.162; 03.262

09.13; 09.2211; 09.227; 09.422; 09.426; 09.438

Adopted/Amended: 6/17/2021

Order #: 10917

Suspension

WHO MAY SUSPEND

In accordance with KRS 158.150, the Principal, Assistant Principal, or Head Teacher may suspend a student. The student may be suspended up to a maximum of ten (10) days per incident. With the Superintendent's approval, the student may be suspended up to a maximum of twenty (20) days per incident.

LENGTH OF SUSPENSION

A pupil may not be suspended for more than a total of twenty (20) days per incident.

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

PRIOR DUE PROCESS REQUIRED

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

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

IMMINENT DANGER

In situations involving imminent danger, due process shall follow the suspension as soon as practicable but no later than three (3) school days after the suspension.

WRITTEN REPORT REQUIRED

The Principal, Assistant Principal, or Head Teacher shall report any suspension in writing¹ immediately to the Superintendent and to the parent of the student being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

STUDENTS WITH DISABILITIES

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

REFERENCES:

¹KRS 158.150

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

OAG 77-419; OAG 77-427; OAG 77-547

OAG 78-392; OAG 78-673; 707 KAR 001:340

Goss v. Lopez, 419 US 565 (1975)

RELATED POLICIES:

09.425; 09.426; 09.43; 09.431

Adopted/Amended: 6/15/2023

Order #: 11129

Expulsion

BOARD MAY EXPEL

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

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

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

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

Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others on or off school property (and the incident is likely to substantially disrupt the educational process); the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.

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

HEARING AND RECORDS REQUIRED

Action to expel, extend the expulsion of, or place a student in an alternative program or setting in lieu of expulsion by the Superintendent, shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity for a hearing before the Board.¹ The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.³

Within thirty (30) days prior to the end of a student's expulsion, the Board shall review the details of the expulsion and current factors and circumstances, including if ending the expulsion will substantially disrupt the education process or constitute a threat to the safety of students or school staff, to determine if the expulsion shall be extended for a period not to exceed twelve (12) months. The expulsion review process shall be used prior to the end of each expulsion period until the Board ends the expulsion or the student is no longer subject to compulsory attendance under KRS 159.010.

BOARD DECISION FINAL

The Board may establish an appeals committee and delegate authority to hear appeals to the committee. Otherwise, the Board's decision shall be final.¹

Expulsion**STUDENTS WITH DISABILITIES**

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

TRANSFER OF RECORDS

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

REFERENCES:

¹KRS 158.150

²KRS 158.155

³20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA); 707 Chapter 1; Section 504 of the Rehabilitation Act of 1973, as amended

KRS 159.010

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

RELATED POLICIES:

05.48; 09.12; 09.423; 09.425; 09.426; 09.43; 09.431; 09.434

Adopted/Amended: 6/15/2023

Order #: 11129

Search and Seizure

REASONABLE SUSPICION

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

When there are reasonable grounds to believe that a search of a student or their personal effects will reveal evidence that the pupil has violated or is violating either a District policy or applicable law, a refusal by the student or their parent/guardian to permit the search shall result in disciplinary action as if the student had been found in possession of the item(s) the student is suspected of possessing. If a student fails to consent to a search, the student shall be informed of the consequences under this policy, and their continued refusal shall subject them to the disciplinary action outlined above.

AUTHORIZED PERSONNEL

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

WITNESS/PERSONAL SEARCHES

When a pat-down search of student's person is conducted, the person conducting the search shall be the same sex as the student; and a witness of the same sex as the student shall be present during the search. In addition, no search of a pupil shall be conducted in the presence of other students.

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

STRIP SEARCHES

No strip searches of students shall be permitted.

FAILURE TO COOPERATE

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

Search and Seizure

REGULAR INSPECTION

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

USE OF TRAINED DOGS

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

1. The Principal or the Principal's designee shall be present.
2. Searches involving dogs shall be conducted only when students are in classrooms or other designated safe area; no student shall be in the vicinity of the site being searched.

All dogs shall be on a leash and will not be allowed to come in close proximity to any student.

ILLEGAL ITEMS

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

USE OF METAL DETECTORS/WEAPON DETECTORS

School administrators or designees trained in the equipment's use are authorized to use stationary or mobile metal/weapon detectors. Metal/weapon detectors may be used in the following circumstances:

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

OTHER DISRUPTIVE ITEMS

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

Search and Seizure

DISPOSITION OF ITEMS

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

REFERENCES:

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

KRS 161.180; KRS 531.335

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

RELATED POLICIES:

08.2323; 09.4261

Adopted/Amended: 2/22/2024

Order #: 11195

Weapons

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

WEAPONS PROHIBITED

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

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

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

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

EXCEPTIONS:

- Each School Resource Officer (SRO) shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.²
- An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in KRS 527.070.
- Law enforcement officials, including peace officers and police as provided in KRS 527.070 and KRS 527.020, are authorized to bring weapons onto school property in performance of their duties.

FEDERAL REQUIREMENTS REGARDING STUDENTS

The penalty for students possessing a firearm at school or bringing a firearm or other deadly weapon, destructive device, or booby trap device to school or onto the school campus/property under jurisdiction of the District shall be expulsion for a minimum of twelve (12) months under Policy 09.435. However, the Board may modify such expulsions on a case-by-case basis. Any case-by-case modification of the one (1)-year expulsion requirement, including those made for students with disabilities to meet the requirements of IDEA and Section 504, shall be in writing and may be based upon a recommendation of the Superintendent/designee.¹

Any student who possesses a firearm at school or brings to school a firearm or other deadly weapon, destructive device, or booby trap device shall be referred to the criminal justice or juvenile delinquency system.

STATE POSTING REQUIREMENTS

The Superintendent shall post the following notice in prominent locations in the schools, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias. The notice shall be at least six (6) inches high and fourteen (14) inches wide and shall state:

Weapons**STATE POSTING REQUIREMENTS (CONTINUED)**

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.¹

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

STATE REPORTING REQUIREMENTS

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

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

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

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

ENFORCEMENT

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

REFERENCES:

¹KRS 527.070; KRS 158.150; 20 U.S.C. §7141 (Gun-Free Schools Act)

²KRS 158.4414

18 U.S.C. §921(a)

KRS 158.154; KRS 158.155; KRS 160.290; KRS 160.340; KRS 161.790

KRS 237.106; KRS 237.110; KRS 237.138 to KRS 237.142

KRS 500.080; KRS 508.075; KRS 508.078; KRS 527:020

20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)
Section 504 of the Rehabilitation Act of 1973, as amended

Weapons

RELATED POLICIES:

02.31; 09.435; 09.436; 09.4361

Adopted/Amended: 6/18/2020
Order #: 10826