

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

**STUDENT DRUG TESTING PROGRAM**

**CONSEQUENCES**

Student athletes, student drivers who park on campus, and competitive extracurricular participants who test positive shall be subject to the sanctions listed below.

***Sanctions***

**First Positive Drug Test**

1. Notify the parent or guardian.
2. The Principal/Designee shall afford the student due process according to policy.
3. Student shall:
  - a. Participate in a certified intervention/assistance/counseling program (with costs to be paid by student or student's family and first appointment shall be scheduled within one (1) week of the positive test. This program is provided by either a licensed clinician OR a certified drug and alcohol counselor (this is NOT a drug test);
  - b. The student shall be required to have one (1) negative drug test prior to returning to competition. The drug test shall be administered following chain of custody procedures and at student expense; and
  - c. With consultation of the District athletic director and safe ~~schools~~ <sup>schools</sup> director be suspended immediately from participating in interscholastic competition for a total number of games/contest/competitions equal to 20% of the season (including tournaments and post-season district/regional/state games). For example, if a regular season for a particular sport is thirty (30) games, the student will be suspended for six (6) games, including post-season participation. Students may return to practice if medically cleared to participate.
  - d. Student drivers who park on campus shall be suspended from parking on campus for a minimum of thirty (30) days. A negative drug test must be presented before parking privileges are reinstated. The drug test shall be administered by an approved agency following chain of custody procedures and at student expense. No parking fees will be reimbursed as a result of a positive drug test.

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**Second Positive Drug Test**

1. Notify the parent or guardian.
2. The Principal/Designee shall afford the student due process according to policy.
3. Student shall:
  - a. Participate in a certified intervention/assistance/counseling program (with costs to be paid by student or student's family. The first appointment shall be scheduled within one (1) week of the positive test) This program is provided by either a licensed clinician OR a certified drug and alcohol counselor (this is NOT a drug test);;
  - b. The student shall be required to have twelve (12) consecutive monthly negative drug tests. The drug test shall follow chain of custody procedures and at student expense; and

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STUDENTS

09.423

(CONTINUED)

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

**STUDENT DRUG TESTING PROGRAM**

**CONSEQUENCES (CONTINUED)**

- c. Be suspended immediately from participating in competitive extracurricular activities or athletics for one (1) calendar year from the date of second offense. Students who participate in practices must be medically cleared to participate.
- d. Student parking privileges shall be suspended for one (1) calendar year. No parking fees will be reimbursed as a result of a positive drug test

**Third Positive Drug Test**

1. Notify the parent or guardian.
2. The Principal/Designee shall afford the student due process according to policy.
3. The student shall participate in a certified intervention/assistance program (with costs to be paid by student or student's family.)
4. With consultation of the district athletic director and safe schools director, be suspended from athletic/extracurricular participation for the remainder of their high school eligibility. No parking fees will be reimbursed as a result of a positive drug test.
5. For any other subsequent offenses, the student is suspended for the remainder of their high school career.

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**NOTE:**

Offenses shall be cumulative over a student's entire period of participation in all high school and middle school athletics or competitive extracurricular activities and shall accumulate regardless of the sport or activity in which they occur. No offenses occurring in middle school shall be cumulative with high school offenses.

**VOLUNTEER PARTICIPANTS WITH A POSITIVE DRUG TEST**

1. Notify the parent or guardian
2. The Principal/Designee shall afford the student due process according to policy.
3. The student shall participate in a certified intervention/assistance/counseling program (with costs to be paid by student or student's family.)
4. After a positive volunteer test, if the voluntary participant decides that s/he wants to participate in an extracurricular sport or activity, s/he must present the results of a negative drug test following chain of custody procedures and at the student's expense.

STUDENTS

09.423  
(CONTINUED)

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

**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 Education v. Earls, 536 U.S. 822 (2002)

Veronia v. Acton, 515 U.S. 646 (1995)

**RELATED POLICY:**

09.2241

Adopted/Amended: 7/25/2022

Order #: 2022-137

**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.

[Evidence-based, age-appropriate nicotine prevention and cessation material shall be distributed to all students at the beginning of each school year, and students shall have access to the material throughout the school year.](#)

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

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

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

**PENALTIES**

[If a student under the age of twenty-one violates this policy, then the District will confiscate the alternative nicotine products, tobacco products, or vapor products \(without return\) and:](#)

- [1. For the first incident, the school counselor or other school-based mental health services provider shall provide to the parent or guardian and the student evidence-based, age-appropriate nicotine cessation information to include but not be limited to materials, programs, and referrals for treatment; disciplinary action as determined by the Board and included in the District Code of Acceptable Behavior and Discipline; and](#)
- [2. A second incident shall result in providing information listed above and disciplinary action as determined by the Board and included in the District Code of Acceptable Behavior and Discipline; and](#)
- [3. Third and subsequent incidents may result in an in-school or out-of-school suspension and disciplinary action as determined by the Board and included in the District Code of Acceptable Behavior and Discipline. The school shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.](#)

**REPORTING**

[No later than August 1 of each year, the Board shall submit a report to the Kentucky Department of Education that includes:](#)

- [a. The number of behavior incidents for each alternative nicotine product, tobacco product, and vapor product, listed by school and grade; and](#)
- [b. The number of incidents for which medical intervention was provided, listed by school, grade, and product.](#)

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**Deleted:** All incidents will result in confiscation (without return) of the tobacco product(s) and appropriate disciplinary action as determined by the Principal/designee. As a result of a first offense, students who violate this policy will be required to participate in the Tobacco and Vaping Education Program. Additional discipline may include, but not be limited to, suspension and alternative to suspension consequences.¶

[KRS 158.149](#); [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; [09.438](#); 10.5

Adopted/Amended: [06/04/2024](#)  
Order #: 2020-128

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LEGAL: HB 5 AMENDS KRS 158.155 TO REQUIRE SCHOOL EMPLOYEES TO REPORT CERTAIN  
ENUMERATED CRIMES TO LAW ENFORCEMENT.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.425

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

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

#### **STUDENTS**

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

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

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

#### **EDUCATIONAL PERSONNEL**

Any student who threatens, physically assaults, batters or physically or verbally abuses educational personnel on or off school property (and the incident is likely to substantially disrupt the educational process) shall be subject to appropriate disciplinary action<sup>1</sup> up to and including expulsion from school and/or legal action.

#### **REMOVAL OF STUDENTS**

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

1. Disrupts the classroom environment and education process or the student challenges the authority of a supervising adult.
2. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
3. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

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

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

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

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

**Assault and Threats of Violence**

**REMOVAL OF STUDENTS (CONTINUED)**

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

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

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

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

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

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

**REPORT TO LAW ENFORCEMENT AGENCY**

Per KRS 158.155, any school employee who knows or has reasonable cause to believe that a person has made threats or plans of violence which are intended to target a school or students or who knows that a firearm is present on school property in violation of KRS 527.070, shall immediately cause a report to be made to the District's law enforcement agency and either to the local law enforcement agency or to the Kentucky State Police.

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Any school employee shall immediately report to the District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police any act which the employee has a reasonable cause to believe has occurred on school property or at a school-sponsored or sanctioned event involving:

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- a. Assault resulting in serious injury;
- b. A sexual offense;
- c. Kidnapping;
- d. Assault with the use of a weapon;
- e. Possession of a firearm or deadly weapon in violation of the law;
- f. The use, possession, or sale of a controlled substance in violation of the law; or
- g. Damage to property.

**Assault and Threats of Violence**

**REPORT TO LAW ENFORCEMENT AGENCY (CONTINUED)**

~~Any school employee who receives information from a student or other person of conduct which is required to be reported, shall report the conduct to the District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police.~~

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

**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

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

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

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

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

**NOTIFICATIONS**

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

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee prior to the assignment or contact.



STUDENTS

09.425  
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**Assault and Threats of Violence**

**REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS158.1559

KRS 158.154; KRS 158.155; KRS 160.290

KRS 161.155; KRS 161.190; KRS 161.195

KRS 209A:020; KRS 209.160

KRS 209A.100; KRS 209A.110; KRS 209A.130

KRS 211.160; KRS 403.720; KRS 456.010

KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080

KRS 527.070; KRS 532.060; KRS 534.030; KRS 620.030

702 KAR 5:080

**RELATED POLICIES:**

03.123; 03.13253; 03.223; 03.23253; 05.4; 05.48

06.34; 09.14; 09.2211; 09.422; 09.423; 09.426; 09.4281; 09.429; 09.4341

LEGAL: SB 2 AMENDS KRS 158.4416 INCLUDING THE DEFINITION OF TRAUMA-INFORMED APPROACH PLAN, AND REQUIRES THE PLAN TO BE REVIEWED AND UPDATED ANNUALLY, INCORPORATED INTO THE ANNUAL COMPREHENSIVE DISTRICT IMPROVEMENT PLAN (CDIP), AND SUBMITTED TO KDE.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.43

### Student Disciplinary Processes

#### SCHOOL-RELATED ACTIVITIES

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

#### TRAUMA-INFORMED APPROACH PLAN

“Trauma-informed approach” means incorporating principles of trauma awareness and trauma-informed practices in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

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The Board shall develop a plan for implementing a trauma-informed approach in the District. The plan shall be based on the Trauma-Informed Toolkit from the Kentucky Department of Education (KDE) and include but not be limited to:

- a) strategies for enhancing trauma awareness throughout the school community;
- b) conducting an assessment of the school climate including but not limited to inclusiveness and respect for diversity;
- c) developing trauma-informed discipline policies;
- d) collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
- e) providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.<sup>2</sup>

The trauma-informed approach plan shall be reviewed and updated annually, incorporated into the annual Comprehensive District Improvement Plan (CDIP) required by 703 KAR 5:225, and submitted to the KDE.

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#### TREATMENT OF PUPILS

Student disciplinary measures should not be administered in a manner that is humiliating, degrading, or unduly severe or in a manner that would cause the pupil to lose status before his/her peer group. Teachers should guard against making remarks to other pupils concerning a student's shortcomings.

**Student Disciplinary Processes****TREATMENT OF PUPILS (CONTINUED)**

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

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

**SERIOUS PROBLEMS**

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

**COUNCIL RESPONSIBILITY**

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

In non-SBDM schools, the Principal shall make these decisions in compliance with Board policy.

**REPORTING**

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

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

**CHILDREN AND YOUTH WITH DISABILITIES**

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

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STUDENTS

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**Student Disciplinary Processes**

**REFERENCES:**

<sup>1</sup>KRS 158.153  
<sup>2</sup>KRS 158.4416  
KRS 158.150; KRS 158.449  
KRS 160.290; KRS 160.340; KRS 160.345  
KRS 161.180; KRS 610.345  
703 KAR 5:225  
P. L. 105-17

**RELATED POLICIES:**

01.111; 08.14; 09.14; 09.429; 09.438

LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY BASED ON THE STATEWIDE TRANSPORTATION SERVICES POLICY GUIDELINES INCLUDING DRIVER RIGHTS AND THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.435

### 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.<sup>1</sup>

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.

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

#### **HEARING AND RECORDS REQUIRED**

Action to expel, extend the expulsion, or place in an alternative program or setting a student shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity for a hearing before the Board.<sup>1</sup> The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.<sup>3</sup> If applicable, a bus driver shall have the opportunity to be heard at any disciplinary hearing against a student relating, at least in part, to misconduct that occurred during the operator's transportation of the student or to misconduct by the student's parent or guardian.

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**Expulsion****HEARING AND RECORDS REQUIRED (CONTINUED)**

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.<sup>1</sup>

**STUDENTS WITH DISABILITIES**

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

**TRANSFER OF RECORDS**

Records transferred to another school 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.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 158.150

<sup>2</sup>KRS 158.155

<sup>3</sup>20 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 158.110, KRS 159.010

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

**RELATED POLICIES:**

05.48; 06.22; 06.34; 09.12; 09.226; 09.2261; 09.423; 09.425; 09.426; 09.43; 09.431; 09.434

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LEGAL: HB 446 AMENDS KRS 158.110 TO REQUIRE DEVELOPMENT OF A DISTRICT TRANSPORTATION SERVICES POLICY INCLUDING THE STANDARD FOR STUDENT BEHAVIOR, REPORTING, AND PROTECTION FROM RETALIATION ON SCHOOL-SPONSORED TRANSPORTATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 142 REPEALED KRS 438.345 AND CREATED A NEW SECTION OF KRS 158 TO REQUIRE BOARDS OF EDUCATION TO ADOPT POLICIES THAT PENALIZE STUDENTS FOR POSSESSING ALTERNATIVE NICOTINE PRODUCTS, TOBACCO PRODUCTS, OR VAPOR PRODUCTS AND LIST PENALTIES; REQUIRE THE BOARD TO REPORT ANNUALLY TO THE KDE ON THE NUMBER OF NICOTINE-RELATED BEHAVIOR INCIDENTS IN SCHOOLS AND THE NUMBER REQUIRING MEDICAL INTERVENTION.

FINANCIAL IMPLICATIONS: PROVIDING MATERIALS AND LOSS OF ADA

STUDENTS

09.438

### Code of Acceptable Behavior and Discipline

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#### DEVELOPMENT

In accordance with KRS 158.148 the Board shall adopt a student Code of Acceptable Behavior and Discipline, based on statewide student discipline guidelines provided by the Kentucky Department of Education (KDE), that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, legal guardians. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees.

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The Code shall prohibit bullying and establish standards of acceptable student behavior and discipline and may include District-wide standards of behavior for students who participate in extracurricular and co-curricular activities.

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The Code also shall include a process addressing how students can report Code violations and incidents of bullying to District personnel for appropriate action and information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, KRS 158.156, or KRS 158.444.

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#### REVIEW

The Board shall update the Code at least every two (2) years.

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#### REPORTING OF DATA

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

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

No later than August 1 of each year, the Board shall submit a report to the KDE that includes the number of:

- a) Behavior incidents for each tobacco product, alternative nicotine product, or vapor product, listed by school and grade; and
- b) Incidents for which medical intervention was provided, listed by school, grade and product.

STUDENTS

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Code of Acceptable Behavior and Discipline

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REFERENCES:

KRS 158.110

KRS 158.148; KRS 158.149; KRS 158.153; KRS 158.154; KRS 158.156; KRS 158.165

KRS 158.444; KRS 160.295

KRS 525.070; KRS 525.080

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RELATED POLICIES:

09.2211; 09.2611; 09.3; 09.42; 09.421; 09.422; 09.425; 09.426

09.42811; 09.43; 09.431; 09.434; 09.4341; 09.435

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**Absences and Excuses**

Pupils are required to attend regularly and punctually to the school in which they are enrolled. Attendance is a student – parent/guardian responsibility. The progress and success of a student depends upon the punctuality and regularity of attendance. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125.<sup>1</sup>

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**TRUANCY DEFINED**

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

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

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

Following six (6) unexcused occurrences, a referral may be made to the Court Designated Worker (CDW) for truancy or a petition filed against the parent/guardian for educational neglect. In lieu of a referral to the CDW, or simultaneously therewith, the District, in its discretion, for truancy related matters, may refer a parent/guardian to the appropriate law enforcement agency for criminal prosecution. Charges against a student between the ages of eighteen (18) to twenty-one (21) shall be referred to the County Attorney for processing as an adult offender.

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

**REPORTING ABSENCES**

When a student must be absent from school, it is the responsibility of the parent/guardian to contact the school on the day of absence and report why their child is absent. It is important to understand that the primary purpose for calling is to make the school aware that the parent/guardian is aware that their child is not in school. The telephone call alone does not mean the student will receive an excused absence. In order for the absence to be considered excused, it needs to meet one of the criteria listed under the heading "Examples of Excused Absences."

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Parents and students have a five (5) day window to provide proof of an excused absence upon their return to school from an absence. The day of return is considered Day-1. No excuses will be accepted after five (5) days (this includes health professional statements.) For a parent note to be excused it should contain the following:

- a. The date(s) of absence
- b. The reason for the absence(s)
- c. The parent/guardian(s) signature
- d. The parent/guardian phone number

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Failure to follow procedures could result in an unexcused absence for the student.

**Absences and Excuses**

**EXAMPLES OF EXCUSED ABSENCES**

Reasons for which an excused absence or tardiness shall be granted are as follows:

1. ~~Illness that is verified by a doctor or medical agency, including mental or behavioral health agencies, (parent/guardian notes will be accepted for up to six (6) absences – excused for only one (1) day per note);~~ ~~Death or severe illness in the pupil's immediate family;~~
2. ~~Death or severe illness in the immediate family verified by a written statement ("immediate family" shall mean: father; mother; brother; sister; grandfather; grandmother; blood-related aunt, uncle, niece, nephew; or anyone living under the same household roof with the student);~~ ~~Illness of the pupil, including mental or behavioral health;~~
3. Appointments with a health professional (When possible, all appointments should be made when school is not in session.);
4. Test for drivers' permit or license students are subject to the KY No Pass / No Drive Law. Students failing to comply academically and/or with attendance requirements will have their name submitted to the Transportation Cabinet for revocation/denial of driving privileges;
5. Court appearance required by subpoena or citation;
6. Students participating in any of the page programs of the General Assembly;
7. Three (3) days junior year and three (3) days senior year for college/career visits;
- 6.8. Religious holidays and practices;
- 7.9. One (1) day for attendance at the Kentucky State Fair;
- 8.10. Documented military leave;
- 9.11. One (1) day prior to departure of parent/guardian called to active military duty;
- 10.12. One (1) day upon the return of parent/guardian from active military duty;
- 11.13. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave;
- 12.14. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces;
- 13.15. Students participating in any of the page programs of the General Assembly;<sup>2</sup> or
- 14.16. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

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**Absences and Excuses****EXAMPLES OF EXCUSED ABSENCES (CONTINUED)**

Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. Parents shall obtain prior approval from the Principal for any trip or activity to be designated an educational enhancement opportunity. An educational enhancement opportunity is an extraordinary educational opportunity that provides a high quality and educationally relevant experience with significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

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

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

Students shall not have their class grades adversely affected for lack of class attendance or class participation due to excused absences.

**MAKE-UP WORK**

Students shall have the number of days absent, plus one, to make up work missed, unless additional time is allowed by the teacher. It is the responsibility of the student and/or parent/guardian to request the work/assignments. Teachers shall provide make-up work to elementary students.

**EXTRACURRICULAR ACTIVITIES**

In general, students who miss school will not be allowed to participate in extracurricular activities after school. Students who are absent from school must meet one of the exceptions below in order to be allowed to participate in their extracurricular event (practice, game, musical, etc.):

- a) A doctor's note explaining the reason for absence as well as for the doctor to state he/she is capable of participating in an extracurricular event that day.
- b) Note from a funeral home or visitation.
- c) Without a valid excuse note, the student must be at school before lunch begins in order to participate in the extracurricular event.
- d) or
- e) A student may not leave until after lunch ends in order to participate in an extracurricular event.

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**SCHOOL HANDBOOKS**

Each school handbook shall include specific attendance requirements.

**SCHOOL CALENDAR**

The school calendar is published early enough in advance that parents are expected not to remove their children from school during the school year for vacation or scheduled appointments.

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**SUSPENSION**

Projects or homework assigned prior to suspension shall be accepted for credit. Students shall be responsible for submitting assignments upon return to school following suspension.

Long-term projects assigned during the suspension and due at a later date shall be accepted. It is the student’s responsibility to get those assignments from the teacher.

Work assigned and due during suspension will be accepted. Students have the number of days of the suspension, plus one (1), to make up the work missed, unless additional time is allowed by the teacher. It is the responsibility of the student to request the work/assignments. Teachers shall provide make-up work to elementary students.

**REFERENCES:**

- <sup>1</sup>702 KAR 7:125
- <sup>2</sup>KRS 159.035
- KRS 36.396; KRS 38.470; KRS 40.366
- KRS 158.070; KRS 158.183; KRS 158.293; KRS 158.294
- KRS 159.051; KRS 159.140; KRS 159.150; KRS 159.180
- OAG 76-566; OAG 79-68; OAG 79-539; OAG 91-79; OAG 96-28

**RELATED POLICIES:**

- 09.111; 09.122; 09.4281
- 09.126 (re requirements/exceptions for students from military families)

## **Food/School Nutrition Services**

The Board shall provide a District-wide school nutrition program in compliance with applicable state and federal statutes and regulations. It is the intent of the Board that school nutrition services be a self-supporting program.

### **ANGEL DONATION FUND**

The District has established an unpaid meal charges fund to cover the cost of unpaid meal charges. Charitable groups, individuals, school fundraisers, and others may donate to the Angel Donation Fund. Parents/guardians of children who pay the full amount for school meals and who have funds left over in their school meals account at the end of the school year may be offered the option of donating these funds to the Angel Donation Fund.

### **COURTESY FUNDS**

Each non-CEP school kitchen has an established Courtesy Fund account in which donations can be accepted. Charitable groups, individuals, school fundraisers, and others may donate to a specified Courtesy Fund. These funds can be used to support student reimbursable meal services, provided there is availability in the fund. Monies in these accounts are not to be used to support the purchase of a la carte items.

### **MEAL CHARGES**

All parents shall be provided the written meal charge policy at the beginning of each school year or upon enrollment in the District for students transferring in mid-year. In addition, parents shall be advised of the available payment systems and meal prices.

The written meal charge policy shall be distributed to all school level staff including school nutrition employees involved in policy enforcement.

If parents have not contacted the Cafeteria Manager or submitted the amount indicated within ten (10) working days from the date of the final notice, the debt will be considered delinquent and may be directed to the Board Attorney.

In keeping with meal charge provisions established by the Board, Food Service funds may be used to collect delinquent meal charges.

Students shall not be permitted to charge a la carte items, nor shall adults be permitted to charge meals or a la carte items.

### **END OF YEAR BALANCES:**

Funds (or negative balances) remaining in student's food service accounts at the end of each school year will automatically be applied to the student's balance for the next school year.

Students who graduate or withdraw from the District and have funds left in their food service account will be notified via text and/or email by food services within ten (10) days after graduation/withdrawal and given the option to transfer the funds to another student, receive a refund, or donate to the Angel Donation Fund

During an annual review of inactive students, remaining fund balances in student's food service accounts will be applied to either the Angel Donation Fund or to a Courtesy Fund at a school as determined by District officials.

## **Food/School Nutrition Services**

### **BREAKFAST AND LUNCH**

Lunchrooms shall serve meals that meet or exceed the requirements specified by state and federal regulations.

### **SPECIAL DIETARY NEEDS**

Students whose dietary needs qualify them for an adaptation under law shall be provided accommodations in keeping with local procedures.

All parents shall be provided notice of how to request meal accommodations and how to submit a grievance related to a request for modifications based on a disability, at the beginning of each school year or upon enrollment in the District for students transferring in mid-year.

### **FOOD SERVICE/SCHOOL NUTRITION PROGRAM DIRECTOR**

The District (or food service area to which the District belongs) shall appoint/select a Food Service/School Nutrition Program Director to oversee and manage the school nutrition service program. All Food Service/School Nutrition Program Directors shall meet minimum educational requirements and annual training requirements in accordance with federal and state law.

### **ANNUAL REPORT/PUBLIC FORUM**

Immediately following the release of the annual school nutrition report, the Board shall discuss the findings and seek public comment during a publicly advertised Board meeting.

By January 31 of each year, the Board shall hold an advertised public forum to present a plan to improve school nutrition in the District.

The District shall compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education.

### **DISCRIMINATION COMPLAINTS**

The District does not discriminate on the basis of race, color, national origin, sex, age, or disability in its school nutrition program.

Anyone wishing to initiate a complaint concerning discrimination in the delivery of benefits or services in the District's school nutrition program should go to the link below or mail a written complaint to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or email, [program.intake@usda.gov](mailto:program.intake@usda.gov).

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html)

District personnel shall assist parents/guardians and students wishing to file a complaint.

**Food/School Nutrition Services**

**REFERENCES:**

KRS 156.160

KRS 158.852; KRS 158.856

KRS 160.290

702 KAR 6:010; 702 KAR 6:050

702 KAR 6:075; 702 KAR 6:090

7 C.F.R. part 15b; 7 C.F.R. §210.23; 7 C.F.R. §210.31; FNS Instruction 113

Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act

USDA Guidance for Accommodating Children with Special Dietary Needs

P.L. 111-296