

**2026-2027**  
**BEREA COMMUNITY SCHOOLS**  
3 Pirate Parkway  
Berea, Kentucky 40403  
859-986-8446

# **CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE**



Equal Education and Employment Opportunities M/F/D

# **BEREA COMMUNITY SCHOOLS**

*“Our mission is to engage students, families and the community in creating a safe, innovative learning environment that nurtures, challenges and educates each student to be a fulfilled, responsible citizen in a diverse society.”*

## **CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE**

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The Berea Community Schools Discipline Code was reviewed by Berea Community Schools Board Attorney, Teresa Combs and approved by the Board of Education on 8/17/2026

## **I. INTRODUCTION**

The Berea Community School District is committed to providing quality education for all students. We believe a safe and orderly environment must be maintained for this process to be effective. Our *District Code of Acceptable Behavior and Discipline* is intended to enhance our continued efforts toward achieving those ends.

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

The *District Code of Acceptable Behavior and Discipline* was developed by a committee of students, parents, teachers, and administrators, appointed by the Superintendent. A standing committee of the same make-up reviews and revises this Code yearly.

The developmental and review process requires:

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

The Code was first adopted in July, 1999. The *District Code of Acceptable Behavior and Discipline* may be amended by the Berea Independent Board of Education at any time. Standard procedures relating to policy changes of the Board of Education shall apply to amendments to the Code. Proposed amendments may be submitted by Board members, the Superintendent, Principals, faculty, students, and parents. If a conflict exists between the *District Code of Acceptable Behavior and Discipline*, and adopted policies and procedures of the Board of Education, the policies and procedures shall govern.

Each Principal shall give a yearly orientation to this Code for parents, teachers, and students. In giving the orientation, provisions for effectively communicating with disabled and non-English speaking students shall be established and used. Issues, concerns, or questions relating to the *District Code of Acceptable Behavior and Discipline* may be directed to the school Principal.

The *District Code of Acceptable Behavior and Discipline* is established as a systematic guide to be referenced and applied in managing the students' conduct. ***The application of the Code to matters of student behavior is not limited to school buildings and grounds or to times when the student is***

***en route to or from school, but extends to any activity that is school related or school sponsored, either on or off the school campus. The Code also applies to behavior occurring off school grounds that threatens the safety and well being of students or staff and directly affects the school's ability to ensure a safe learning environment for all students.***

Consultation with the Superintendent is required prior to imposing any disciplinary action for such behavior occurring off school grounds. It is not an all-encompassing document and occasionally may not address issues resulting from unusual circumstances. The prudent judgment and discretion of administrators shall prevail in such instances.

The Kentucky Education Reform Act provides for school-based decision making. As a part of school-based decision making, school councils are required to adopt policies to be implemented by the Principal. Students and parents are advised that schools currently engaged in school-based decision making will have specific policies dealing with selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and Principal. **However, an SBDM council's discipline policies must fall within the minimum and maximum parameters set out in this Code.**

## **II. STUDENTS' RIGHTS AND RESPONSIBILITIES**

### **A. STUDENT BILL OF RIGHTS**

Preamble

Students' constitutional rights are preserved when entering a school building. As citizens, students may exercise those rights as long as the rights and responsibilities of others are not violated.

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**As a student, I have the right to:**

1. **Respect** - Be respected as a worthwhile person, regardless of race, color, religion, creed, national origin, economic status, sex, age, political affiliation, sexual orientation, or disabling condition.
2. **Education** - Receive a free public education through the twelfth grade or until age 21. I understand this right may not be denied without due process.
3. **Academic Grades** - Receive grades based only upon academic performance, never to reflect punishment for misconduct. I am also entitled to an explanation of how grades are determined in each class.
4. **Information** - Be informed of all school rules and policies.
5. **School Records** - Review my school record and have questions explained regarding my records and have mistakes corrected. My school records are confidential, and may only be reviewed by school staff and specific agencies approved by federal law. No person may inspect, review, or transfer my educational record without my consent (if I am 18 years of age), or without the consent of my parent/guardian (if I am under 18 years of age or am

my parent's dependent), or without a properly issued court order (See Section XVIII).

6. **Make-up Work** - Make up work upon returning to school from an excused absence. (See Section IX.) It is my (or my parent's) responsibility to contact the teacher(s) concerning make-up work during planning periods or before or after school hours. Upon returning to school from one or more excused absences, I will receive the same number of days, plus one, to complete and turn in make-up work. Announced tests for which I had an adequate time to study shall be made up on the day of return. In the case of absences from school due to suspension, I am allowed to make up for credit (1) major tests (e.g., finals or unit tests), and (2) major projects or term papers. Homework may be checked for accuracy without credit. If I am absent for one day, I shall secure make-up assignments upon returning to school.\* When I am absent for two or more days, my parent/guardian may request make-up work before I return to school. My parent/guardian may call the Principal or counseling office within one (1) hour of the beginning of the school day on the day the assignments are to be picked up. School staff must have at least four hours to compile materials. Assignments may be picked up at the end of the school day. If there is a special need, a message for a teacher to call my parent/guardian may be left with the Principal's office or the counseling office.  
\*Parents who feel they have special circumstances may request assignments on the first day of absence.
7. **Freedom of Expression** - Freedom of expression, including speech, assembly, appearance, publication, and the circulation of petitions, if the exercise of these rights does not disrupt the educational process of the school or threaten the health and welfare of staff and other students. I may plan, have, or participate in assembly programs, public forums, club assemblies, and other such meetings as long as the school administration has agreed and the established rules of the school are followed. Guidelines for such meetings with controversial speakers and issues will be developed in each school by administrators, teachers, student government, and parent representatives. I have the right to choose an appropriate manner of dress and personal appearance. The school may establish rules and regulations regarding dress or appearance. Any such rules, however, must relate to a specific educational objective such as health, safety, full participation in classes or school activities, or prevention of disruption of the educational process. Official school publications, such as school newspapers, shall be free of censorship or prior restraint. The school may establish guidelines, however, for any such publication, including policies concerning publication

of libelous, disruptive, or obscene materials. These guidelines shall be consistent with governing legal standards and must be consistent with the rules and regulations of the Board of Education. The student staff of a school publication is responsible for becoming aware of legal responsibilities and the consequences for failure to follow the guidelines. I have the right to distribute leaflets, newspapers, or other literature on school grounds and in the school as long as I follow the school regulations clearly describing the procedures for such distribution. I understand such distribution must not interfere with normal school activities and must not violate the rights of others. I may wear, display, or distribute buttons and insignias as long as the message does not mock, ridicule, demean, or provoke others because of race, national origin, sex, religion, creed, disabling condition, sexual orientation, or physical condition, contain obscenities, or contain materials of a slanderous, defamatory character. However, the exercise of this right shall not disrupt the educational process of the school or threaten the health and welfare of staff and other students.

8. **Freedom from Abuse or Threat of Abuse** - Be free from verbal, physical, or sexual abuse or threat of abuse by other students or Berea Community School employees. I have a right to be treated with respect. All forms of punishment that are cruel and unusual, that tend to demean or humiliate, or that are excessive, unreasonable, or degrading are prohibited. Although, as a student, I am not to be subjected to physical abuse from other students or staff, teachers and administrators may use reasonable physical force to restrain a student in self-defense, to protect another student from injury, or to preserve order.
9. **Freedom from Unreasonable Search and Seizure** - Be secure from unreasonable searches of person and property and from unreasonable seizure of property. School officials have the right to search me or my property if the officials have a reasonable suspicion I may possess something that violates school rules or endangers others. For additional information, see Student Searches, Section XIII.
10. **Due Process/Appeal** - Procedural due process when any charge or accusation has been made against me. Due process is the right of all citizens. When any charge or accusation has been made, I am entitled to the protection of the "procedural due process" outlined in Section IV, Subsection G.
11. **Student Involvement** - Organize or belong to groups or clubs within the school as long as the group or club follows established Board of Education guidelines, does not disrupt the orderly educational process, and does not discriminate against any student because of race, color, religion, creed,

national origin, economic status, sex, age, political affiliation, sexual orientation, or disabling condition.

## **B. STUDENT RESPONSIBILITIES**

**As a student, I have the responsibility to:**

1. Attend school and classes regularly, arrive on time, and have needed materials.
2. Do my best to meet the requirements of each course.
3. Respect and cooperate with teachers, school staff, and other students.
4. Respect the rights of others.
5. Honor reasonable requests made by school district employees and student teachers.
6. Act safely and properly while on a school bus.
7. Not disrupt classroom work or school activities, not create disorder, and not invade the rights of others.
8. Report wrongdoing.
9. Take care to protect my belongings.
10. Earn grades fairly without cheating or plagiarism.
11. Be responsible for my grades and conduct.
12. Know my grades and class rank.
13. Tell my parent(s) about my grades.
14. Know all school rules and the consequences of violating the rules.
15. Not to damage or destroy personal or school property.

## **III. PARENTS' RIGHTS AND RESPONSIBILITIES**

### **A. PARENT RIGHTS**

**As a parent, I can expect:**

1. To be respected as an individual regardless of race, color, religion, creed, national origin, economic status, political affiliation, sex, age, sexual orientation, or disabling condition.
2. To be treated with courtesy by all members of the school staff.
3. To be informed about academic requirements, school programs, grading, and promotion policies, and to have access to school policies and administrative procedures.
4. To participate in parent/teacher conferences.
5. To have access to my child's cumulative records, and to request the removal or correction of any false or misleading information.
6. To have information about programs for exceptional students and to participate in my child's placement in a special education class.
7. To receive any available help to further the educational progress and improvement of my child.
8. To expect classroom discipline to be maintained and to be informed of any formal disciplinary steps taken affecting my child.
9. To receive prompt and appropriate communications about my child.

10. To participate in groups at the school level that deal with school policy, program development and evaluation, and dissemination of information.

### **B. PARENT RESPONSIBILITIES**

**As a parent, I shall:**

1. Stress to my child the importance of education.
2. Make sure my child attends school on time every day.
3. Verify my child's absence from school by sending a signed written excuse to school on the day of return from absence.
4. Provide resources to help my child complete class work and homework.
5. Be involved with what goes on in our school.
6. Keep in touch with the school about my child's progress.
7. Make sure our school knows where to find me during school hours.
8. Cooperate with our school if disciplinary action is necessary.
9. Notify my child's school when my child has any medical condition that threatens the safety of my child or other children in the school. I shall notify the school when the medical conditions become known or upon enrollment in school. I will also notify the school when my child has other problems that may affect my child's performance in school.
10. Know the rules of conduct of the Berea Community School District and of the school.

## **IV. DISCIPLINE**

### **A. Teacher's Disciplinary Actions**

Discipline problems are less likely to occur in classes that are well taught and maintain a high level of student interest. Toward this end, the teacher has the following responsibilities:

1. To maintain a positive, professional attitude toward all students.
2. To be an example of responsible citizenship.
3. To keep the classroom a place where it is easy to learn.
4. To protect the rights of others.
5. To help students improve self-discipline.

A teacher may use any of the following additional measures to maintain discipline:

1. Talk with students about expectations for proper conduct.
2. Speak with students who do not exhibit appropriate behavior standards.
3. Give verbal reprimands.
4. Conference with the parent about the misconduct; have follow-up meetings and explain consequences of future misconduct.
5. Separate student from other students/friends.

6. Assign constructive tasks.
7. Use special classroom privileges as encouragement.
8. Hold a meeting with the student, or parent, or both.
9. Send home a daily or weekly assignment/behavior sheet.
10. Write a behavior contract with the student.
11. Refer the student to the counselor.
12. Assign detention.
13. Send the student to the Principal for other discipline when attempts to correct the behavior fail or if the student commits a serious offense.

**Use of Reasonable Force by Staff:** School personnel may use **reasonable** physical force to restrain a student whenever immediate action is essential for self-defense, or protection of other persons. (See KRS 161.180 and 503.110.)

### **B. Disciplinary Referral Procedures**

School employees who supervise students may make a discipline referral. When an employee has tried to discipline a student and has failed to correct the misbehavior or when the behavior requires other help, the student shall be referred to the appropriate school administrator.

When a student is referred, these steps shall be followed:

1. The referring person shall complete a Referral Form, keep one copy and send the original and other copies to the appropriate administrator.\*
2. Upon receipt of the referral, the student referred will be called to the school office to talk with an administrator.
3. The administrator and the student shall discuss the charges in the referral and the student shall be given a chance to respond.
4. The administrator shall decide the action to be taken and write it on the form and attach any documentation supporting the referral.
5. The administrator shall tell the student, the referring staff member, and the parent about the action taken.
6. The parent shall be told about a referral the same day any serious incident occurs, unless telling the parent would not be in the child's best interest.
7. Student discipline records shall be kept by the assigned administrator and available upon request to appropriate teachers, administrators, counselors, the student, or parent as allowed by the Family Educational Rights and Privacy Act of 1975 (FERPA).  
\*In serious incidents, school personnel may take students to the office or report the incident immediately to the appropriate administrator. The referring person shall complete the Referral Form as quickly as possible, according to item number 1 above.

### **C. Administrator's In-School Disciplinary Actions.**

When an administrator receives a discipline referral for a student, or if a student's misbehavior interferes with the

learning environment, then the administrator shall use one or more of the following measures to maintain discipline:

1. Speak with the student to correct the behavior and prevent the student from misbehaving again.
2. Temporarily take away school privileges (e.g., participation in pep rallies, assemblies).
3. Change the student's schedule or school program and tell the parent about the change.
4. Temporarily separate the student from other students.
5. Have a meeting with the parent and any school personnel who may help explain the administrative discipline.
6. Write a behavioral contract with the student, including the parent and school personnel, as needed.
7. Set up in-school counseling or evaluation.
8. Assign the student to a school-based detention program.
9. Forbid the student to ride the school bus when the student misbehaves on the bus or at the bus stop.
10. Assign the student to In-School Detention after contacting parents or after documenting an attempt to contact parents.
11. Place the student on probation (see Terms and Definitions for definition of "probation").

***NOTE: Corporal punishment is prohibited.***

### **D. School Bus Discipline**

Students are required to behave responsibly on school buses to permit the driver to drive safely without distraction. Students are required to comply with rules posted on the school buses. The school bus driver has direct supervision over the student riders. Misconduct reports covering unacceptable student behavior shall be made by the driver to the Principal. Unacceptable behavior may include, but is not limited to, violations of bus riding rules posted in the bus and student conduct at bus stops. The school bus driver, upon observing a rule violation, will first instruct the student to correct the behavior. If the behavior is not corrected, the driver may request immediate removal of the student from the bus. Students removed from the bus in this manner may be transported by another bus back to the school. In either case, the parent/guardian is notified to pick up the student and a misconduct report is prepared by the driver and provided to the Principal.

Bus discipline options shall be used in conjunction with the Behavior/Consequence Charts for Violations (See Section VI). The Principal or Assistant Principal may invoke suspension prior to the third report depending on the severity of the behavior violation. The Principal or Assistant Principal may suspend bus privileges for up to 10 days. The superintendent may suspend bus privileges for longer than 10 days.

### **Bus Discipline Options**

|                       |                                             |
|-----------------------|---------------------------------------------|
| <b>First Report:</b>  | <b>Conference and warning</b>               |
| <b>Second Report:</b> | <b>Warning and After-School Detention</b>   |
| <b>Third Report:</b>  | <b>Bus Suspension and Parent Conference</b> |
| <b>Fourth Report:</b> | <b>Loss of Riding Privileges</b>            |

### **E. Parent Conference**

When a student continues to misbehave at school or on a bus, the administrator shall call and chair a meeting with the student, parent, and appropriate school staff. The meeting shall be set at a time convenient for the parent. If the parent cannot be reached, a letter explaining the reason for the conference and the time and place of the meeting shall be sent to him/her. The letter shall be mailed five (5) school days before the conference to permit the parent time to attend. If the parent cannot attend the meeting, either the meeting can be rescheduled or the parent may discuss the referral with school staff some other way (i.e., over the telephone or in a separate meeting). When a student is referred for several violations in a short time, one meeting with the parent may be satisfactory. Every effort shall be made to assure parent participation in conferences. If the parent cannot attend or refuses to attend the meeting, the conference will be held without the parent. The administrator shall advise the parent, in writing, the results of any meeting the parent did not attend. The purpose for the conference is to determine the reason the student misbehaved, to arrive at fair, helpful solutions, and to improve the student's behavior. During the meeting, the student shall be given a chance to explain the problem and to suggest solutions. The parent and school staff shall be given the same opportunity. The student's academic and disciplinary records shall be available for review during the conference. A short written statement of the decisions made during the conference shall be placed in the student's discipline record. All decisions shall include follow-up to determine if progress has been made toward the goals set for the student. In cases of severe misconduct endangering the safety of others, it may be necessary to hold the conference after a student is suspended.

### **F. School Suspension Procedures**

The Principal or Assistant Principal may suspend a student for offenses outlined in Section V of this Code.

1. The student's parent/guardian and teachers shall be informed of the suspension immediately. A standard Letter of Suspension shall be written by the administrator. Copies of the suspension letter shall be sent to the parent and the Pupil Personnel Office.
2. Due process shall be given before a suspension unless immediate suspension is required to protect persons or property. (Refer to Section IV, Subsection G.)
3. Suspensions by an administrator shall not exceed ten (10) school days per incident.

4. A suspended student shall not be allowed to enter any Berea Independent School buildings or grounds, unless accompanied by a parent with permission of an administrator. The student shall not attend or participate in any school program or function, during or after school, and shall not be permitted to ride a school bus.
5. Breaking the conditions of the suspension shall risk further disciplinary action.
6. Although students are not entitled to make up work missed for absences because of suspension from school, it is the goal of Berea Community Schools that every student succeeds academically and that failure in any subject is avoided. Accordingly, students having absences because of suspension from school are to be allowed to: (1) take major tests, (e.g., finals or unit tests); (2) have homework checked for accuracy without credit; and (3) hand in major projects or term papers without loss of credit. Make-up work must be completed in the same time frame as other make-up work specified in Section II, Subsection A, Paragraph 6.
7. Only the Board of Education may expel a student.
8. After two (2) suspensions, the student and parent shall be notified that the next conduct violation may result in more serious disciplinary consequences, including short- or long-term suspension or referral for expulsion. This provision applies to middle and high school students only.
9. Any suspension given by a Principal may be reviewed by the Superintendent or Board of Education in accordance with the appeals procedure of this Code.

### **G. Informal Hearing Procedure and Due Process**

An informal hearing shall be given to a student before the student may be suspended. The length of the suspension may be as long as ten (10) days per incident. If immediate suspension is required to protect persons, property, or to avoid disruption of school, the hearing shall be held as soon as possible. The hearing, however, shall be held no later than three (3) days after the suspension.

The informal due process hearing shall include the following steps:

1. The student shall be given oral or written notice of the charges for the suspension.
2. If the student denies the charges, he/she shall be given a clear explanation of the evidence supporting the charges.
3. The student shall be given a fair chance to give his/her side of the facts in response to the charges.

See Subsection I, below, for Suspension/Expulsion Procedures for Students with Disabilities.

## H. Student Right to Appeal

A student shall make a written appeal of any decision affecting his/her education to staff in the following order:

1. Teacher\*
2. Principal
3. Superintendent
4. Board of Education

The administrator shall give a written response to the student at each appeal level. When a student makes a written appeal to the next level, all previous written appeals and responses shall be attached.

\*Appeal of a suspension does not include the teacher. The appeal begins with the Principal. See the Grievance Procedure, Section XXI, for the suspension appeal process.

## I. Suspension/Expulsion Procedures for Students with Disabilities

Special consideration should be given when dealing with disciplinary problems of students with disabilities. Frequently, such students may have discipline problems due to the unique nature of their disabilities. Special education teachers are trained to manage discipline and behavior with many special techniques. Principals are encouraged to be supportive and active in those efforts. If the procedures are well defined and implemented consistently, most severe discipline problems are avoided. Students will learn appropriate school behavior and proper social skills. If further consequences are needed for inappropriate behavior, then Principals are to use those outlined in this Code. As with any student, out-of-school suspension will be avoided and used only in extreme cases. Alternatives to out of school suspension include detention and other such options as needed and appropriate. Suspension may be used with disabled students, especially if it is part of a well defined management program. Suspension shall not be used if the behavior is directly caused by the student's disability. Suspensions unrelated to disability shall be for **one (1) or two (2) days at a time**, unless a stiffer penalty is specifically set out in this Code. Once a disabled student has accumulated ten (10) days of suspension, then an Admissions and Release Committee (ARC) shall meet to discuss the student's behavior problems and to determine what changes, if any, are needed in the Individual Education Program (IEP). Expulsion is rarely used with disabled students. If recommended, all ARC procedures must be followed, and it must be clearly documented the behavior problem was not related to the student's disability. Furthermore, even if a disabled student is expelled, education services shall not cease completely. As stated in the section on academic probation, the academic probation procedures are not applicable to disabled students.

## J. Formal Hearing Procedure - Expulsion and Extended Suspension

After reasonable efforts by staff have failed to meet the needs of the student, an expulsion recommendation may be made. Reasonable efforts that may be made by staff to help the

student include: conferences with the Principal, teacher, parents, and student; guidance services; or assistance from other social agencies. In cases of extreme behavior, reasonable efforts may be unproductive and are not required before the recommendation for expulsion. Only the Board of Education may expel a student upon recommendation of the Superintendent. Referrals for expulsion may be made by the Principal to the Superintendent. For cases involving students who bring firearms/explosive devices to school, expulsion shall be for a minimum of one (1) calendar year (365 days), unless modified by the Board on a case-by-case basis. (See Section VIII.) Expulsions for other offenses may extend for up to the number of days that constitute one (1) school year, not to exceed two (2) semesters. The recommendation shall be written and supported by all facts and materials related to the grounds for expulsion. The case shall be discussed with the Superintendent and the Board Attorney. After review of the recommendation by the Superintendent, a recommendation may be made to the Board of Education for expulsion or extended suspension. If such a recommendation is made, the Superintendent shall send a letter to the parent(s) of the student. The letter shall describe, in detail, each charge against the student and assign a hearing date, time, and location with the Board of Education. The student and parent(s) may be present at this hearing and may be represented by an attorney during the proceedings. If the student and parent(s) want to be represented by an attorney in the hearing, the name and telephone number of the attorney must be provided to the Superintendent prior to the hearing.

## V. VIOLATIONS OF ACCEPTABLE BEHAVIOR

Violations of acceptable behavior at school, on buses, at bus stops, on the way to and from school, and at school-sponsored activities are defined below. Behavior occurring off school grounds, at locations not listed above, that threatens the safety and well being of students or staff and directly affects the school's ability to ensure a safe learning environment for all students is also a violation. Consultation with the Superintendent is required prior to imposing any disciplinary action for such behavior occurring off school grounds.

1. **Arson** - Starting or attempting to start a fire in a school building.
2. **Assault** - Physical attack of one person or a group of persons on another with the intent to injure. Physical sexual abuse of any kind is also considered assault. Victims of assault have the right to self-defense.
3. **Bomb threat** - Making a threat that a bomb has been placed in or is about to explode in a school building, on school grounds, in a school bus, at a bus stop, or at any school-sponsored activity.
4. **Bullying** - 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:

- a. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event: or
  - b. That disrupts the education process.
5. **Cheating** - A student acting deceptively or dishonestly; including a student copying another's, work and using it as his/her own (plagiarism); tampering with official school records.
6. **Dangerous instruments or fireworks, possession of** – Dangerous instruments include any instrument, article, or substance, including parts of the human body, readily capable of causing death or serious physical injury. Dangerous instruments shall include pocket knives and hunting knives of all types.
7. **Deadly weapons, possession of** - The possession of any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged; hunting knife; (an ordinary pocket knife may be exempted); billy-club, nightstick, or club; blackjack or slapjack; nunchaku karate sticks; shuriken or death star; or artificial knuckles made from metal, plastic, or other similar hard material.
8. **Deadly weapons, possession of look-alike or toy** - Any look-alike, toy, or facsimile of a deadly weapon as defined in No. 6 above.
9. **Defiance/interference with staff** - Willful refusal by a student to follow reasonable directives of authorized school personnel (including failure to identify oneself when requested) or to accept in-school disciplinary measures.
10. **Disruptions in the classroom** - Disruptions as defined by written referrals from classroom teachers to the Principal.
11. **Disruptive behavior on a school bus** - Any behavior that may create a safety problem on a bus or violate the *Statement on Rights and Responsibilities and Student Code of Conduct*.
12. **Drugs, alcohol, or other intoxicating substances, possession of** (See Section VII).
13. **Extortion** - Obtaining or attempting to obtain property from an unwilling person by intimidation or physical force.
14. **Failure to follow directions or rules** - Failure to complete assignments, including state-mandated assessment tests, and to follow other school or classroom regulations.
15. **False fire alarm** - Sounding a school fire alarm or alerting the fire department or any school employee when there is no fire.
16. **False reporting** - Intentionally reporting false information to a school official.
17. **Fighting** - Students who willfully engage in the use of physical force.
18. **Forgery** - Falsifying documents or signatures.
19. **Gambling** - Any game of chance for the express purpose of exchanging money or property.
20. **Harassment** - Intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. (See Section XX for specific prohibited conduct.)
21. **Intimidation** - The act of threatening, scaring, or insulting another person.
22. **Laser pointer, possession of** - A student having in his/her immediate possession or control a laser pointer device.
23. **Non-attendance of class** - Failure to attend any regularly scheduled class or assigned school activity without valid excuse.
24. **Offenses committed off school grounds** - Behavior of a serious violent nature and/or behavior that would directly affect the school's discipline or welfare of its students or employees, not otherwise covered under this Code.
25. **Personal telecommunications device, possession of** - A student having in his/her immediate possession or control a telecommunication device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. (See Section IX).
26. **Profanity or vulgarity** - The use of words or gestures generally considered socially unacceptable.
27. **Sale or transfer of drugs, alcohol, or other intoxicating substances or fireworks.**
28. **Sexual misconduct** - Inappropriate conduct defined by accepted social and legal standards.
29. **Terroristic threatening** - The threat of force or violence toward another person.
30. **Theft/Stealing** - Taking property belonging to the school or another person.
31. **Tobacco/vape products, possession of** - The possession of any tobacco/vape products by any students.
32. **Tobacco/vape products, use of** - The use of any tobacco/vape products by students.
33. **Truancy** - Absence or tardiness from school for three (3) or more days, without valid excuse. Any child who has been reported as truant two (2) or more times is a habitual truant.
34. **Under the influence of drugs, alcohol, or other intoxicating substances** - A student exhibiting noticeable behaviors, physical appearance, or odors consistent with use of alcohol, drugs, or other intoxicating substances. (See Section VII.)
35. **Unexcused tardiness** - Tardiness to school or any class without a valid excuse. (Refer to individual school policy on tardiness.)

36. **Vandalism** - Destruction of public or personal property, including computer hardware or software.
37. **Violation of suspension regulations** - Suspended students may not be on school grounds, buses, or attend school activities without permission of school administrators. Students violating suspension conditions are subject to prosecution for criminal

trespass. In addition, further administrative action may be taken under No. 8 of this Section, "Defiance/interference with staff."

## **VI. BEHAVIOR/CONSEQUENCE CHARTS FOR VIOLATIONS**

Students at different ages and grade levels are expected to assume varying degrees of responsibility for their actions. Therefore, different disciplinary measures have been developed to reflect different levels of maturity and self-discipline. **UNLESS THE VIOLATIONS WARRANT A MORE SEVERE ACTION BY THE PRINCIPAL**, disciplinary measures increase in severity. **Repeated and unmodified behavior violations may result in any disciplinary action listed on the Behavior/Consequence Charts for Violations up to and including expulsion.**

**\*\*Suspension of Primary students will be considered only in exceptional cases where there are safety issues for the child or others, as determined by the Principal.**

## **VII. ALCOHOL, DRUGS, AND INTOXICATING SUBSTANCES**

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

**Drugs defined:** Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Cabinet for Families and Children under regulations pursuant to KRS 218A.020 or KRS 217.900(2). Use of medications prescribed or ordered by a physician or dentist (Policy 09.2241) shall not be considered a violation of this policy, unless the medication is being abused.

**1. First Offense - Possession, Use, or Under the Influence** - A first offense for possession, use, or being under the influence shall result in a ten (10) day suspension. Five (5) days of this suspension shall be held postponed and not enforced for the remainder of the school year, if the family, at its expense:

(a) seeks an evaluation of the student's alcohol or drug usage from a qualified chemical dependency counselor acceptable to the school district, and the student completes or shows a good faith effort to complete any and all treatment as recommended in the evaluation. Written confirmation by the provider of the completed evaluation or evaluation appointment is required when returning to school; **and**

(b) agrees to meet other specified conditions as required by the school following the evaluation. Failure to complete the conditions shall result in the reinstatement of the postponed

five (5) days of suspension. Recommended evaluation shall be completed within thirty (30) days of the first day of suspension. The days a student is in treatment for chemical dependency at recognized facilities shall be excused absences.

**2. Second Offense - Possession, Use, or Under the Influence** - A second offense for possession, use, or being under the influence shall result in a ten (10) day suspension, and five (5) mandatory individual or group counseling meetings as determined by the Principal. Five (5) days of this suspension shall be postponed and not enforced for the remainder of the school year, provided the family demonstrates a good faith effort to comply with the option allowed for a first offense and, the family, at its expense:

(a) seeks an evaluation of the student's alcohol or drug use from a qualified chemical dependency counselor acceptable to the school district, and completes or shows a good faith effort to complete any and all treatment as recommended in the evaluation; **and**

(b) presents written confirmation by the provider of the evaluation or evaluation appointment when returning to school; **and**

(c) agrees to meet other specified conditions as required by the school following the evaluation.

Failure to complete the conditions shall result in the reinstatement of the postponed five (5) days of suspension.

**3. Third Offense - Possession, Use, or Under the Influence** - A third offense for possession, use, or being under the influence shall result in an immediate ten (10) day suspension and the Principal MAY send a referral for expulsion to the Superintendent.

**4. Sale or Transmission** - The sale or transmission of, or the intent to sell or transmit, alcoholic beverages, narcotics, drugs, counterfeit controlled substances, look-alike drugs, or

other intoxicating substances shall result in an immediate ten (10) day suspension and the Principal MAY send a referral for expulsion to the Superintendent.

### **VIII. POSSESSION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT**

#### **Firearm/Explosive Device**

In compliance with the Gun-Free Schools Act, for the purpose of this section, firearm/explosive device is defined as follows:

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

Students who bring a firearm/explosive device onto school property or to a school activity **shall** be suspended from school for ten (10) days and the Superintendent **shall** report the incident to the Board for expulsion for a minimum of one (1) calendar year (365 days), unless the Board makes modifications on a case-by-case basis. The Superintendent shall determine whether the student or students involved have identified disabilities. Students without such disabilities shall be referred to the Board for an expulsion hearing. Cases concerning students with disabilities shall be reviewed by the appropriate Admissions and Release Committee (ARC) and determined on a case-by-case basis according to law. Additionally, the Principal shall file a complaint/offense report with the Berea Police Department for each such incident.

#### **Deadly Weapon (Other than Firearm/Explosive Device)**

In consideration for the safety of all students and staff, possession of a deadly weapon (as defined in Section V, No. 6 and 7) is considered a serious offense. Any middle or high school student in possession of such a weapon **shall** be suspended from school for ten (10) days. The Principal **shall**

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

#### **Criminal Prosecution**

Students may be subject to criminal prosecution for being in possession of deadly weapons or dangerous instruments on school property, whether openly displayed or concealed. (See KRS Chapter 527.070.)

### **IX. POSSESSION OF A PERSONAL TELECOMMUNICATIONS DEVICE**

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as defined by law, KRS158.165, provided they observe the following conditions:

**A.** Devices shall not be used in a manner that disrupts the educational process. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned on and operated only before and after the regular school day and during the student's lunch break. When students violate this prohibition, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property. In addition, an administrator may confiscate the device, which shall only be returned to the student's parent/guardian.

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

**C.** Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunications devices.

## **X. ACCESS TO ELECTRONIC MEDIA**

The Berea Independent Board of Education supports the right of students to have reasonable access to various information formats and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner. Abuse of this privilege may result in termination or suspension of student access for a specific time period determined by the severity and frequency of acceptable use policy violations. Suspension or termination of technology privileges will be determined by the District Technology Coordinator and the Principal.

The Acceptable Users Permission Form signed by parents and students shall be required prior to the student being granted independent access to electronic media involving district technological resources. This shall include, but not be limited to, the Internet, email, and the World Wide Web. Below is the Acceptable User's Code-Behavior Violations chart for all students of the Berea Community Schools.

| <b>ACCEPTABLE USER'S CODE-BEHAVIOR VIOLATIONS: K-12</b>                                                                                       | <b>Classroom Discipline Teacher Imposed</b> | <b>In School Discipline Principal Imposed *</b> | <b>Short Term Suspension (1-5) Days</b> | <b>Long term suspension (6-10) Days</b> | <b>Expulsion Recommended</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------|-----------------------------------------|-----------------------------------------|------------------------------|
| 1. Accessing inappropriate sites (Pornography, Illegal Drug Related electronic or other etc.)                                                 |                                             | X                                               | X                                       | X                                       |                              |
| 2. Displaying inappropriate sites (Pornography, Illegal Drug Related electronic or other etc.)                                                |                                             |                                                 | X                                       | X                                       |                              |
| 3. Possession of Pornography electronic or other.                                                                                             |                                             |                                                 | X                                       | X                                       |                              |
| 4. Transferring or distribution of inappropriate materials (Pornography, Illegal Drug Related, or other inappropriate URL's etc.).            |                                             |                                                 | X                                       | X                                       |                              |
| 5. Employing the network for commercial purposes or personal gain.                                                                            |                                             | X                                               | X                                       | X                                       |                              |
| 6. Misuse or intentionally wasting electronic resources via of Internet or e-mail.                                                            | X                                           | X                                               |                                         |                                         |                              |
| 7. Misuse or Damage of computers, computer systems, or computer networks, including the uploading/downloading or creation of computer viruses |                                             | X                                               | X                                       | X                                       |                              |
| 8. Software installation without permission (Free Games, shareware, etc.)                                                                     | X                                           | X                                               |                                         |                                         |                              |
| 9. Inappropriate or illegal e-mail use (Sending Chain Letters, Using Hot Mail or other Internet mail, etc.)                                   |                                             | X                                               | X                                       |                                         |                              |
| 10. Alteration of Computer Equipment                                                                                                          |                                             | X                                               | X                                       | X                                       |                              |
| 11. Violating copyright laws (Copying or downloading copyrighted software or other written materials, etc.)                                   |                                             | X                                               |                                         |                                         |                              |
| 12. Trespassing in others' computer, accounts, files, directories, or work and harming or destroying data of another user.                    |                                             | X                                               | X                                       |                                         |                              |
| 13. Carrying out activities deemed dangerous (hacking or other denial of service activities) to be a security risk to the network             |                                             | X                                               | X                                       | X                                       |                              |
| 14. Sending, displaying, or publishing obscene, offensive, threatening, or harassing messages or pictures, etc.                               |                                             |                                                 | X                                       | X                                       |                              |
| 15. Use of Non-KETS approved Chat, ICQ or others etc.                                                                                         |                                             | X                                               |                                         |                                         |                              |
| 16. Use of Internet or e-mail for criminal or malicious intent.                                                                               |                                             |                                                 |                                         | X                                       | X                            |
| 17. Any activity deemed inappropriate by school or board authorities.                                                                         | X                                           | X                                               | X                                       | X                                       | X                            |
| 18. Use of a website or program to bypass district proxy settings.                                                                            | X                                           | X                                               | X                                       | X                                       |                              |

## **XI. TOBACCO-FREE SCHOOLS**

Based on a concern for the health of students and staff required to attend and work in Berea Community Schools, the Board of Education has adopted a tobacco-free policy. That policy prohibits the use of **all** tobacco/vape products in buildings, on grounds, or on field trips. Tobacco/vape products may not be used in any school building at any time. The Code of Conduct is designed to enforce this policy. (Refer to Sections V and VI.) Tobacco/vape products, lighters, or smoking paraphernalia found at school shall be confiscated.

The following are consequences for students who violate the Tobacco-Free Schools Policy (Policy 09.4232):

- 1st Violation:** Assignment to In School Detention (ISD) for one day.  
**2nd Violation:** Assignment to ISD for two days.  
**3rd Violation:** One (1) day suspension.  
**4th Violation:** Two (2) day suspension.  
**5th Violation:** Referred for alternative placement.

## **XII. CRIMINAL VIOLATIONS**

Students may be charged with criminal violations in addition to violations of this Code. Prosecution and court proceedings of criminal violations shall be outside the authority of this Code and may proceed simultaneously with school sanctions for the same violations. If a student's action amounts to a criminal violation, the student has the right to an attorney before answering questions (Miranda warning).

## **XIII. STUDENT SEARCHES**

School officials have the right to search students, their belongings, lockers, desks, automobiles, or their property, if a reasonable suspicion\* exists that the search may reveal evidence the student has violated a school rule, Board policy, or the law. The purpose of the search is to protect the safety and property of others. Additionally, a search may be made to maintain the ongoing educational process of the school. In no instance shall the school official strip-search any student. The use of trained dogs to locate controlled substances on property owned or controlled by the Board of Education may be utilized.

*\*The school official must be able to articulate the reason for the search.*

## **XIV. EXCUSED ABSENCE FROM SCHOOL**

All students are expected to attend school regularly. Students who are absent from school are required to have a legitimate excuse. When a student returns to school, he/she shall present a note signed by his/her parent/guardian to the school's attendance clerk. Students may have excused absences for six days with a parent note. After the sixth such absence, any absence without a doctor's excuse must be approved in advance by the principal in order to be a valid excuse. Permissible excuses are:

1. Death or severe illness in the student's immediate family.
2. Illness of the student.
3. Religious holidays and practices approved in advance with the Principal.
4. Medical and dental appointments (times and dates must be verified by the physician's signed statement written on letterhead stationery).
5. Family emergencies requiring immediate attention, as approved by the Principal.
6. Participation in school-related activities approved by the Principal.
7. One (1) day for attendance at the Kentucky State Fair.
8. Other valid reasons as determined by the Principal.

**ALL OTHER ABSENCES ARE UNEXCUSED ABSENCES.**

## **XV. TARDINESS**

1. A student is considered tardy if arrival to homeroom, classroom, or any assigned area occurs after the designated starting time.
2. The process for determining whether tardiness to school is excused or unexcused is identical to that for excused and unexcused absences. (See Section XIV.)
3. A cumulative record of a student's unexcused tardiness will be kept in the Principal's office.

## **XVI. TRUANCY AND HABITUAL TRUANCY PROCEDURES**

Principals shall follow these procedures regarding truancy and habitual truancy for compulsory school-age students:

1. When a student is determined to be a truant for the first time (3 unexcused absences), the parent of said student shall be notified by telephone and a record of such call shall be kept in the student's file. If the parent cannot be contacted by telephone, a letter shall be sent to him/her regarding the truancy of his/her child and a copy of such letter shall be kept in the student's file.
2. When a student is determined to be a truant for the second time (6 unexcused absences), the process outlined in paragraph 1 above shall be followed. It is suggested that the Pupil Personnel Office be contacted for assistance. If a social worker is assigned to the case, a referral shall be made for appropriate action.
3. When a student is determined to be a truant for the third time (9 unexcused absences), the parent and other appropriate school personnel shall be notified. A conference involving the Principal, appropriate school personnel, attendance worker, or social worker, parent, and student shall be held to resolve the truancy problem.
4. Upon the next occurrence of an unexcused absence/tardy, the Pupil Personnel Office may

proceed under KRS 159.180 to seek legal recourse for resolution of the problem. If habitual truancy of the student contributes to academic failure or the failure to adjust to the regular school program, referral to Alternative School may result.

In determining what are valid excuses for absences, school personnel are referred to Board of Education Policy 09.123 (Absences and Excuses) and to Section XIV of this Code.

## **XVII. STUDENT RECORDS**

As governed by the Family Educational Rights and Privacy Act (FERPA), each student over eighteen (18) years of age or his/her parent, if the student is under eighteen (18) or is the parent's dependent, has a right to (1) inspect and review the student's educational records, and (2) challenge any misleading or inaccurate statement contained in records and request such statements be removed or corrected. A student's "educational record" is defined as: Documents and other materials directly related to a student that are collected, maintained, or used by the Berea Independent Schools. This includes records maintained by other agencies and individuals who have performed services for students on behalf of the Berea Independent Schools. Educational records include, but are not limited to:

- personal and family data;
- evaluation and test data, including aptitude, achievement, intelligence, personality, behavior observation, and other diagnostic information;
- medical, psychological, and anecdotal reports (if shared with others);
- all records of school achievement and progress reports;
- student portfolios;
- all discipline records;
- records of conferences with students and/or parent(s);
- copies of correspondence about the student;
- any photographs or video recordings of a student;
- other information or data that is used in working with the student or required by federal and state regulations.

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

Each parent and eligible student has the right to file a written complaint with the United States Department of Education if he/she feels the right to inspect the student's records, as set forth in Board Policy 09.14, has been wrongfully denied. Each parent and eligible student may examine a copy of School Board Policy 09.14 at Berea Independent Schools central office.

## **Challenge to Content/Accuracy of Records**

1. In the event of a challenge to the content or accuracy of a student's records upon the basis that the information contained therein is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, a complaint must be completed and the parent of the student or the eligible student must be given the opportunity for a hearing to be conducted by the appropriate administrator appointed by the Superintendent, who shall be designated as the "hearing official." The hearing will be held within a reasonable period of time after the Superintendent has received a request for such a hearing and the parent of the student and/or the eligible student shall be given notice of the date, place, and time of the hearing reasonably in advance of the same.
2. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of his or her choice, including an attorney, at his or her own expense.
3. If, as a result of the hearing, the Board of Education, through its hearing official, decides that the information is not inaccurate, misleading, or otherwise in violation of privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the hearing official.
4. Any explanation placed in the education records of the student, under paragraph (3) above, shall:
  - a. Be maintained by the Board of Education as part of the education records of the student as long as the records or contested portion thereof are maintained by the Board of Education, and
  - b. If the education records of the student or the contested portion thereof are disclosed by the Board of Education to any party, the explanation shall also be disclosed to that party.
5. The hearing official shall make his/her decision in writing within a reasonable period of time after the conclusion of the hearing. The decision of the hearing official shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

## **XVIII. HARASSMENT/DISCRIMINATION**

The Berea Independent Board of Education has adopted policies ensuring that students are not denied equal educational opportunities and do not suffer harassment. No discrimination is allowed on the basis of race, color, age, sex, religion, creed, national origin, economic status, marital or parental status, political affiliation, or disabling condition.

### **Prohibited Conduct**

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

1. Name calling, stories, jokes, pictures, or objects that are offensive to one's gender, race, color, national origin, religion, sexual orientation or disability;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Members of one gender being subjected to sexual remarks of the other gender in the context of the classroom;
4. Impeding the progress of a student by questioning the student's ability to do the required work based on the gender, race, color, religion, national origin, sexual orientation or disability of the student; and
5. Limiting student access to educational tools, such as computers, based on the student's gender, race, color, religion, national origin, sexual orientation or disability;.

When a student or parent believes the student has been harassed or discriminated against, a complaint may be filed using Berea Independent Board of Education Procedure 09.42811 AP.1. A copy of this procedure is available in the Principal's office of each school or in the Berea Independent central office.

The procedures are as follows:

1. The student or parent makes a written complaint to the Principal of the student's school (or to the superintendent if the Principal is an alleged party to the harassment or discrimination) advising of the nature of the alleged incident, the time and place the alleged incident occurred and the identity of any witnesses to the alleged incident.
2. The Principal (or superintendent) shall promptly investigate the allegation
3. Within seven (7) working days of submission of the original written complaint, the Principal shall make a written report to the Superintendent setting out the findings and recommending any action deemed necessary to curtail any confirmed harassment or discriminatory activity.
4. After the Superintendent has conducted any further investigation he/she deems necessary to confirm the occurrence of any alleged harassment/discrimination, he/she shall immediately take any action deemed necessary to correct the

conditions which caused the harassment or discrimination and to prevent recurrences.

5. The complaint, investigation, and findings shall be confidential.

## **XIX. GRIEVANCE PROCEDURE**

The Berea Independent Board of Education has adopted policies that provide students with the opportunity to appeal issues regarding equal educational opportunities and educational concerns or practices. When a student or parent has an educational concern, a complaint must be filed using the Berea Independent Board of Education Grievance Procedure (09.4281 AP.1). A copy of the procedure for filing a complaint against school personnel is available at the local school or Board of Education central office.

The following steps shall be followed:

1. The student or parent shall discuss the issue with the teacher. The teacher shall make a decision and give that decision to the grievant within five (5) school days after the discussion.
2. The decision of the teacher may be appealed to the Principal within five (5) school days after receipt.
3. The Principal shall give a written decision to the grievant within five (5) school days.
4. The Principal's decision may be appealed by filing a formal written complaint with the superintendent within five (5) school days of receipt of the Principal's decision,
5. If the issue is not resolved by the Superintendent, the student or parent may appeal to the Board of Education, in writing, within five (5) school days of receipt of the Superintendent's decision. The Board of
6. Education shall hear the appeal within a reasonable time at a special called meeting or a regularly scheduled Board meeting, at the Board's discretion.
7. When a student or parent appeals a suspension, the appeal shall be made to the Principal or Superintendent within ten (10) school days of the date the violation occurred.

## **XX. OFFENSES AGAINST SCHOOL DISTRICT PERSONNEL**

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

## **XXI. SHARING OF MEDICATION**

No student shall share any prescription or over-the-counter medication with another student. The Principal shall confiscate the medication and contact the student's parent. The medication shall be returned to the parent, only.

## **XXII. 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.

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. 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 on the rights of others.

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

Bullying means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:

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

Students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to school personnel for appropriate action.

Employees are expected to take reasonable and prudent actions in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or 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 wishing to report bullying or other violations of the Code of Acceptable Behavior and Discipline may report it to the classroom teacher, who shall take appropriate action. The teacher shall refer the report to the Principal/designee for

further action when the report involves an offense that may warrant suspension or expulsion of a student.

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

### ***TERMS AND DEFINITIONS***

The terms below apply only to the *Statement on Student Rights and Responsibilities and Student Code of Conduct*.

**Abuse** - To hurt or injure in a rough or cruel way.

**Administrator** - Staff members designated to enforce the *Student Code of Conduct*, including Superintendent, Principal, or Associate Principal.

**Admissions and Release Committee (ARC)** - A committee of school personnel and parent(s) authorized to plan special education program placement for identified students.

**Appeal** - The procedure a student may use to seek a change in a decision rendered by school personnel.

**Behavior Disorders** - Inappropriate behavior which qualifies a student for placement in a special education behaviorally disordered program.

**Behavioral Expectations** - Student actions, reactions, and language that does not offend, injure, or in any way interfere with the educational process.

**Board Attorney** - The attorney who is the general counsel for the Berea Independent Board of Education.

**Bullying** - 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:

- a. That occurs on school premises, on school-sponsored transportation, or at a school sponsored event: or
- b. 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.

**Co-curricular activities** - Those activities that take place outside the six (6) hour instructional day and are directly related to an instructional class for which the student receives a grade.

**Criminal Violation** - An act which is an offense defined by Kentucky Revised Statutes.

**Cumulative Records/Folders** - A student's records, containing grades, attendance, test scores, and other pertinent information.

**Detention** - A disciplinary program where students are kept for a period of time before or after school.

**Disability** - A mental or physical limitation requiring special education services.

**Exceptional Students** - Students identified as needing extra school services for educational or physical reasons.

**Excused Absence** - A legitimate absence from school verified by written note from the parent. The student may make up all missed work from the excused absence.

**Expulsion** - The removal of a student from school by the Board of Education for a period not longer than one (1) school year. In rare cases of extreme student behavior, which endangers the safety of others, the expulsion may be carried over into the subsequent year.

**Extended Suspension** - Removal of a student from school by the Board of Education for a period not to exceed twenty (20) school days.

**Extracurricular Activities** - Those activities that normally take place outside the six (6) hour instructional day and are under the supervision of an assigned certified employee (See Board Policy 09.301).

**Family Educational Rights and Privacy Act (FERPA)** - The Federal and State laws that protect a family from having unauthorized persons access a student's records without permission.

**Grievance Procedure** - A fair, step-by-step approach to address complaints and concerns through the school system.

**Habitual Truant** - Being truant three (3) or more times (nine [9] unexcused absences).

**Individual Education Program (IEP)** - A written document developed by a committee (teachers, principals, parents, etc.), which specifies the regular education, special education, and related services needed to meet the needs of a student with disabilities.

**Make-up Work** - Academic assignments completed by a student to fulfill missed class work assigned during an absence.

**Parent** - Parent or legal guardian.

**Personal Telecommunications Device** - A device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, including but not limited to a paging device and a cellular telephone.

**Plagiarism** - Practice of literary theft.

**Principal** - Principal, Associate Principal, or his/her designee.

**Probation, Board-imposed** - A disciplinary action determined by the Board of Education as a result of an expulsion hearing.

**Procedural Due Process** - The procedure guaranteed for a student accused of a behavior violation which includes explaining the charges and allowing an ample opportunity for response to the charges.

**Reasonable Physical Force** - Holding, restraining, or using one's person in a manner that prevents injury to student, teacher, parent, or other citizen.

**Referral Form** - A form in Infinite Campus or a pre-printed form on which student misconduct and other rule infractions are listed.

**School-Based Decision Making** - Provision of the Kentucky Education Reform Act designed to improve education by transferring decision making to the school level.

**Search** - The right of school officials to inspect the property students may have on their person, in desks, lockers, or automobiles when reasonable evidence indicates a possible violation of a school rule, Board policy, or law.

**Self Defense** - The use of reasonable physical force to protect oneself from the use or imminent use of unlawful physical force by another person (KRS 503.050).

**Superintendent** - Individual employed by the Board of Education to oversee the operation of the school system.

**Suspension** - Removal of the student from the school setting for a period not to exceed ten (10) school days.

**Tardiness** - Being absent for less than one-half (1/2) day or not being in homeroom, classroom, or other assigned area at the designated time.

**Truant** - Being absent from school without valid excuse for three (3) or more days, or tardy on three (3) or more days.

**Unexcused Absence** - A student absence from school which does not entitle the student to make up missed work. Students returning from suspension may make up major tests or projects.