

STUDENT DISCIPLINE GUIDELINES
OF THE
LEWIS COUNTY BOARD OF EDUCATION
P.O. BOX 159
VANCEBURG, KENTUCKY 41179

MAURICE REEDER, JR., SUPERINTENDENT

BOARD MEMBERS

BRYAN MCROBERTS	CINDY APPLGATE
MICHELLE SKIDMORE	SARAH WILLIS
CHUCK SWEARINGEN	

****Please sign and return the verification form on the back page of this code. –Thank you***

2014-2015

CODE DEVELOPMENT

The Lewis County Board of Education at a regular board meeting in December 1984 approved a policy manual for Lewis County Schools. Included in this document were several sections relating to student discipline.

A committee to review this document was formed in March, 1985. Appropriate revisions and modifications were made to bring this code in line with State guidelines. At a regular scheduled meeting of the Lewis County Board of Education on May 13, 1985, the enclosed Student Discipline Guidelines were approved.

Appropriate certified personnel will administer the Lewis County Student Code of Conduct. All aspects of due process and appeal procedures will be adhered to by the appropriate personnel whenever administering this code of discipline. The Lewis County Board of Education demands that all students be treated equally. No student will be discriminated against on the grounds of race, creed, color, sex, national origin or handicapping condition.

Persons who are responsible for the administration of this discipline code must remember that each student is different. Cases must be evaluated on an individual basis with careful consideration to allow for extenuating circumstances.

This code of Conduct has been reviewed annually and changed whenever necessary since 1985.

LOCAL DISCIPLINE CODE COMMITTEE

Jamie Weddington, Chairman/Contact Person 796-2811

Sarah Willis, Board Member

Clayton Lykins, Jr., Board Attorney

Paula Lewis, Director of Special Education

Paige Kennedy, Student

Seth Wallingford, Student

Scott Osborne, Youth Service Center Coordinator

Deana Duff, Assistant Principal

Virginia Mauney, Assistant Principal

Jack Lykins, Principal

Kenny Scott, Teacher

ANNUAL REVIEW

These guidelines are to be reviewed each summer by a committee made up of students, teachers, parents, and administrators. At that time additions and/or deletions will be completed, as they are deemed necessary, subject to Board approval.

This code review was completed June 9, 2014.

ANNUAL ORIENTATION

At the beginning of each school year all students and teachers will be made aware of the guidelines on discipline; orally at student meetings, and by teachers through classrooms units.

All students receive a copy of current guidelines upon initial enrollment in Lewis County Schools and at the beginning of each school year thereafter. In order to help notify parents and the general public, the Code will be published on the District web site at www.lewis.kyschools.us.

The Lewis County Schools' Student Code of Conduct was initially reviewed by Clayton Lykins, Jr., December 4, 1987, and is reviewed annually thereafter.

Application of Student Code of Conduct

The Lewis County School District Code of Student Conduct shall apply to all students enrolled in Lewis County Schools. The Code shall apply also:

1. During the normal school day,
2. At any extra-curricular/co-curricular activity and at all times during school-sponsored trips,
3. During transportation provided by the local board to and from school, (Pursuant to KRS 161.180 and 158.150 this guideline may apply to students while in route to and from school, school bus stops, etc.)
4. On buildings and grounds owned or operated by the Lewis County Board of Education.

Rationale/Philosophy Statement

We believe the public schools are the foundation of democracy. A democratic nation depends upon its citizens to think clearly and intelligently; therefore our schools should afford our children the best opportunities for educational growth and development. In order to maintain a school climate in which all children and youth of our country can live, learn, and flourish, it is vitally necessary for all students to assume responsibility for their behavior.

LEVELS OF DISCIPLINARY ACTION

Informal Discipline

Level I: Conference with teacher:
 Conference with principal
 Conference with assistant principal
 Conference with school staff member(s)
 Referral to agencies – assessment and/or court appointed
 workers/criminal complaint

Formal Discipline

Level II-A: Detention – Each detention may last up to 150 minutes. Detention may
 be before or after school.
 Notification of parent/guardian
 Referral to school counselor
 Referral to Court Designated Worker, criminal complaint,
 assessment
 Assignment of In School Supervision
 After School/Friday School/Saturday School – Each session may
 last up to 240 minutes.
 In School Detention—Alternative placement (outside of classroom)
 during the school day

Level II-B: External Suspension - 1-3 days depending upon the infraction, 1-
 10 days for the following infractions: assault resulting in serious
 physical injury, a sexual offense, assault involving the use of a
 weapon, violation of the District's weapon policy, possession of or
 trafficking of a controlled substance in violation of the law, damage
 to property and aggressive or threatening behavior and/or
 comments toward members of the school faculty, staff, school
 designees, the student body or toward school property.
 Suspension for the above referenced infractions may be limited to
 five days for students who agree to undergo assessment and
 recommended counseling through Comprehend or other
 appropriate agencies. *Students committing drug or alcohol*
 violations may be given the option to enroll in the Early Intervention
 Program. Parents/guardians must contact principal before student
 returns to school. Court appointed worker plus assessment.
 Suspension may include, but not be limited to alternative
 placement.

Alternative placement (Alternative School): Placement in an
alternative class outside of the regular school

Level III: Expulsion from school authorized by the Superintendent and the
 Lewis County Board of Education.
 *Referral to Court Designated Worker and/or charges may be filed
 concerning all Level II-B and Level III offenses.

SERIOUS BREACHES OF DISCIPLINE (CONDUCT)

The Lewis County Board of Education considers each of the following to be a serious breach of discipline (conduct) determined as disruptive to the teaching/learning environment and may warrant immediate suspension/or decision to execute expulsion proceedings without consideration of alternative punishment:

KRS 158.154 states that when a principal has a reasonable belief that an act has occurred on school property or a school sponsored event involving assault resulting in serious injury, a sexual offense, kidnapping, assault involving a weapon, possession of a firearm, possession of a controlled substance or damage to the property the principal *shall* immediately report the act to the appropriate local law enforcement agency.

1. Weapons

Carrying, bringing, using or possessing any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle or at any school-sponsored activity is prohibited. Except for authorized law enforcement officials, the Board specifically prohibits the carrying of concealed weapons on school property.

Items which may be considered weapons or dangerous weapons may include but not be limited to:

- a. Guns of any type or model, including pellet or BB gun,
- b. Any knife,
- c. Billy club, nightstick or other club,
- d. Blackjack or slapjack,
- e. Nunchaku Karate sticks,
- f. Shuriken or death star,
- g. Artificial knuckles made from metal, plastic or similar hard materials,
- h. Explosive devices, including fire crackers or fireworks of any kind, and
- i. Any object, device, or material that is reasonably determined to be used or possessed for the purpose of intimidating, threatening, or injuring another person or destroying school property,
- j. Look-alike weapons which may have the effect of intimidating, threatening, or frightening another person
- k. Weapons of mass destruction

- Violation of this policy by students shall require that the Principal make a report to the Superintendent in a timely manner, who shall determine if charges for expulsion from the District schools should be filed.

- Under federal requirements, the penalty for students bringing a firearm or other deadly weapon or booby trap device to school or onto the school campus/property under jurisdiction of the District or who creates such a device on said property shall be expulsion for a minimum of twelve (12) months. However, the Board may modify such expulsions on a case-by-case basis.

- Any student who brings to school a firearm or other deadly weapon, destructive device or booby trap device or who intentionally alters school equipment or who purchases such devices while on school property shall be referred to the criminal justice or juvenile delinquency system.
- An exception shall be made for students properly participating in an authorized curricular or extracurricular activity or team involving the use of firearms, in a manner authorized by the instructor.
- In the enforcement of this policy, principals may authorize, if they have reasonable suspicion, searches in compliance with applicable Board policies.

To comply with the existing requirement of the Individuals with Disabilities Act (IDEA) regarding discipline of students with disabilities, the Board will modify the expulsion requirements on a case-by-case basis for IDEA eligible students. IDEA eligible students may be expelled for behavior unrelated to their disabilities as long as procedural safeguards required by IDEA and KRS 158.150 is followed. Non-IDEA eligible students will also have their expulsion requirements modified on a case-by-case basis by the Lewis County Board of Education. Non-IDEA eligible students expelled for not less than one (1) calendar year from their regular school setting may be placed in an alternative school setting.

1A. KRS 158.155 states:

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

- 1 The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - a. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - i Carrying, possession, or use of a deadly weapon; or
 - ii Use, possession, or sale of controlled substances; or
 - b. Any felony offense under the laws of this Commonwealth; and
- 2 The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

1. KRS 158.156 requires:

Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the Principal of the school attended by the victim. The Principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The Principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

Although KRS 158.156 does not require the district to report possible misdemeanors, appropriate disciplinary action will be taken for certain types of harassment violations that occur on school property and/or during school-sponsored activities, etc. Parents should be aware that they have the option to file complaints with law enforcement officials about certain types of harassment to which their child has been subjected under the following laws, including behaviors that occur off school property:

KRS 525.070 (1):

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

- (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact; or
- (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or
- (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or
- (d) Follows a person in or about a public place or places; or
- (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or
- (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:
 - 1. Damages or commits a theft of the property of another student;
 - 2. Substantially disrupts the operation of the school; or
 - 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a

reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

KRS 525.080 (1):

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

(a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;

(b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or

(c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.

- 1B. Any knife or instrument that may be used as a weapon is not permitted. The principal shall have discretion on disciplinary levels/recommendations for students in violation of this rule. Pocket knives are subject to this provision.
Level I, II, IIB or III may be imposed.
- 1C. Laser pointers have sufficient power to cause injuries under certain circumstances. Laser pointers are not permitted on school grounds, buses, etc.
1st offense – confiscate pointers, Level I or Level II A or B
2nd offense – Level II-B
3rd offense - Level II-B or Level III
2. Pushing, pulling, shoving, or fighting a staff member, volunteer, or chaperone.
1st offense - Level II-B including suspension, referral to court worker, recommend assessment and/or Level III
Repeated offenses - Level III
3. Insubordination including the refusal to respond to or carry out reasonable and lawful directions of authorized school personnel.
1st offense - Level II-A or II-B or Level III
2nd offense - Level II B or Level III

4. Profanity, obscene, vulgar or abusive language or gestures or racial epithets directed at school staff members, volunteers or chaperones.
1st offense - Level II-A or B or Level III
2nd offense - Level II-B or Level III

5. Possessing, using, or selling alcoholic or intoxicating beverages or controlled beverages, narcotic, drug or controlled substances as defined by Kentucky law or possessing, using, or selling drug paraphernalia and/or look-alike substances or being under the influence of alcoholic or intoxicating beverages, narcotic, drug or controlled substances.
*1st offense - Level II-B and refer to court worker, students will be required to undergo a screening process through the appropriate Board approved agency and complete any subsequent counseling recommendations as made by Comprehend, Inc. or other approved agencies. All Comprehend or related agency recommendations dealing with this particular infraction must be completed and timelines met or an additional five-day suspension will be assigned.
2nd offense - Placement in an alternative setting or Level III
Repeated offenses - Level III
 *Selling and/or possession with intent to sell may lead to academic placement in an alternative school setting.

No medication (prescription or otherwise) may be in the possession of a student or transferred from one student to another student. All medications must be brought to the office. Students will need to make arrangements with the principal or his/her designee concerning how to transport medication to the school and how the medication will be administered.

6. The unlawful, intentional touching or application of force to another person, done in a rude insolent, or angry manner (**battery and/or bullying**). Pushing, shoving, and fighting. Bullying will not be tolerated by the Lewis County School System.
1st offense (or those batteries considered by the principal to be less than a major incident) - Level I or Level II-A
1st offense (major incident) or 2nd offense - Level II-A or B or Level III, refer to court worker, recommend assessment
Repeated major offenses - Level III

7. The breaking and entering of a building, car, or room with the intent to illegally take property or money; the illegal taking of money or property; the taking of money or property from another by use of force or fear; the obtaining of money or property (something of value) from an unwilling person, or forcing any individual to act through use of force or threat of the use of force; and the unlawful receiving or storing of stolen property.
1st offense - Level II-A or B or Level III with parent/guardian conference
 May refer to law enforcement depending upon the seriousness of the offense.

8. The willful and malicious burning or attempt to burn any part of any building or any property owned or maintained by the School Board (arson).
1st offense - Level II-A, or Level II-B, or Level III
2nd offense - Level II-B or Level III
 Shall refer to law enforcement for first or subsequent offenses

9. The destruction or defacing of property or records belonging to, rented by, or on loan to the School System; or property, including automobiles, of persons employed by the School Board or persons in attendance at the school (vandalism or destruction of property).
1st offense - Level I, Level II-A or B, Level III
 May refer to law enforcement for first or subsequent offenses
 The child or parent/guardian shall be held responsible for the child's actions and for the replacement and repair of any damage.

10. Words, acts, or deeds that may threaten or incite others to do bodily harm to another student or school personnel or that may intimidate another person through fear of his/her personal safety (acts of threats of or incitement to violence or incidents of bullying resulting in serious injury. It is understood that bullying may be exhibited in various ways and circumstances. Threatening behavior and/or comments toward members of the school faculty, staff, school designees, student body or toward school property. Terroristic threatening may be considered a felony (KRS 508.080).
1st offense - Level I, II-A or B or Level III
2nd offense - Level II-B or Level III
Repeated offenses - Level III
 May refer to law enforcement for first or subsequent offenses

11. The preventing or attempting to prevent school personnel from engaging in their lawful duties through threats, violence, or harassment (interference or intimidation of school personnel).
1st offense - Level II-B or Level III
2nd offense - Level II-B and recommend assessment or Level III
Repeated offenses - Level III
 May refer to law enforcement for first or subsequent offenses

12. The activating of the fire alarm system in any school building or on school property and/or reporting a fire or bomb where none exists (false alarm).
1st offense - Level II-A or B
2nd offense - Level II-B, recommend assessment or Level III
Repeated offenses - Level III
 It is a felony to make bomb threats and other threats of harm against schools, school buses, school employees, or school functions. These offenses will be referred to law enforcement and may constitute grounds for expulsion.

13. Offenses against common decency, morals and the like (indecent exposure - mooning).
1st offense - Level I, II-A or B
2nd offense - Level II-B plus recommend assessment or Level III
Repeated offenses - Level III

May refer to law enforcement for first of subsequent offenses

14. Continuous disruptive classroom behavior, improper or illegal actions, not listed in the foregoing, which are deemed by the administration to interfere with the education process.
1st offense - Level I, II-A or B
Repeated offenses - Level II-B plus recommend assessment, or Level III

15. Possession of a paging device (excluding cellular or digital phones) while on school sponsored or school related activities on or off school property unless the student is in attendance in the capacity of an active member of a volunteer fire fighting organization or a volunteer emergency medical services organization. A paging device is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.
1st offense - Level II-A or II-B
2nd offense - Level II-B
Repeated offenses - Level III

May refer to the CDW or law enforcement officials for the first or subsequent offenses. School officials and/or law enforcement officials are empowered by law to confiscate paging devices, which are then forfeited to the school district.

Each school council may develop policy for staff and student cell phone use.

16. Unauthorized use of the Internet, e-mail or other types of school or personally owned technology or device including accessing or using this technology or device to produce vulgar, profane or threatening material or to disrupt the educational process. This includes web sites such as Myspace.com
1st offense – Loss of privilege – Level I, II A or B
2nd offense – Level II-A or B
3rd offense – Level II B or Level III
Any malicious or threatening use of technology may result in Level III. Vulgar, profane or threatening use of technology directed against school personnel may result in violation of this section even if the technology originated outside the school environment.

OTHER BREACHES OF DISCIPLINE

1. Use or possession of tobacco including electronic cigarettes, etc.
1st offense - Level II-A
Repeated offenses - Level II-A or B

2. Participating in games of chance or skill for money or profit (gambling)
1st offense - Level I or Level II-A
Repeated offenses - Level II-A or B plus recommend assessment

3. Skipping class or leaving school grounds without permission
1st offense - Level II-A or Level II-B parent/guardian shall be notified
2nd offense - Level II-B - parent/guardian shall be notified
Repeated offenses - Level II-B plus recommend assessment or Level III
*May contact legal authorities.

3. The Lewis County Board of Education is required under KRS 159.051 to report the names of 16 and 17 year old students who are deficient in the areas of academics or school attendance to the Kentucky Transportation Cabinet for possible revocation of their driver's license.

4. Improper use of any means of transportation on School Board property
1st offense - Level II-A or II-B (may lose driving to school privilege or bus riding privilege).
2nd offense - Level II-A or B depending upon the severity of the offense

Notwithstanding any other provision herein, any student who has been disciplined three (3) or more times in the same school year for any single violation under this discipline code, or for any combination of violations thereunder, and who stands charged with an additional new violation of this code, shall be considered an habitual discipline violator, and shall be subject to Level II-A or B or Level III discipline and/or referral to an alternative setting.

This provision shall not limit the potential levels of discipline as set out herein above, but shall expand the potential levels of discipline by allowing expulsion for violations of offenses not previously punishable by expulsion.

STUDENTS TO REPORT VIOLATIONS

- Students who are victims of bullying/hazing shall immediately report the incident to the Principal/designee.
- Students may report a violation of the District's code of acceptable behavior when the student as a victim and it concerns their personal safety or property or a possible criminal offense, including when they have been the victim of any felony offense committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event. They may report less serious code violations to a teacher.
- Students who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving other students that they believe to be an act of harassment/discrimination shall, as soon as reasonably practicable, report it to the Principal, Superintendent, or District Title IX Coordinator.

In all the above situations, the Principal/designee will assist students in documenting the complaint or report and take appropriate action to investigate, respond to the report, and protect students from retaliation.

CONSEQUENCES

If it is determined that a student is to be suspended, he/she will not be allowed to participate in any extracurricular activity, club meeting, sports event, graduation, graduation practice, drama performance, band function, etc. from that time until such suspension is terminated and the student returns to the regular school on the next scheduled school day during the current school year.

In the event the suspension is for an offense that does not demand immediate removal from school and the student is scheduled to participate in academic testing or tests beyond school curriculum, such students will be allowed to participate in such testing of that school day.

DEFINITION OF TERMS

1. DUE PROCESS - Refers generally to those constitutionally guaranteed rights to fair notice, fair hearing, and fair procedures.
2. EXPULSION - Denial of all school privileges for a period of time to be determined by the Board.
3. EXTRACURRICULAR ACTIVITIES AND FUNCTIONS - Activities that are not part of the regular course of study such as field trips, athletic activities, dances, proms, etc.
4. INFRACTION - The act of breaking or violating a rule.

5. IN-SCHOOL ALTERNATIVE EDUCATION - A form of discipline whereby the student is denied the privilege of attending regular classes, but is placed in an alternative educational setting for a period time deemed appropriate for the modification of inappropriate behavior. During such placement, the student receives close supervision and instruction, and counseling is available.
6. SUSPENSION - Denial of all school privileges for a period of time not to exceed ten days per infraction.
7. TOBACCO PRODUCT - The dried leaves of a tobacco plant, prepared in various ways for smoking, chewing, or a snuff (e.g. cigars, cigarettes, chewing tobacco, and pipe tobacco).

RIDING THE SCHOOL BUS

The principal or designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus. Notice will be given in writing to the student's parent or guardian and to the Superintendent within a timely manner. If a child has been suspended from riding a school bus, it is still the parent's or guardian's responsibility to see that the student attends school regularly unless the student is suspended from both the bus and school in the same action. Bus driver will be notified by principal. Bus suspensions will be based on violations of the Lewis County Schools' Discipline Code or violations of appropriate behavior according to Lewis County Board Policy. A student suspended from his/her regular bus is considered suspended from all Lewis County Schools' buses including buses used for extracurricular activities.

LOCKER AND PERSONAL SEARCH

Student lockers or other storage areas are school property and subject to search by the school principal or his/her designee upon reasonable suspicion that prohibited or illegally possessed substance are contained therein.

For a student's locker, desk, or automobile to be searched by the principal and/or other persons designated by the school board, the following circumstances should prevail:

- the student shall be present if possible unless the health, safety, or welfare of others is endangered
- students shall be informed when they enter school that desks, lockers, and automobiles may be inspected if facts exist which give the administration reasonable belief that articles and materials might be stored there which would be injurious to other students
- facts shall exist which give the administration belief that articles and materials might be present, which would pose a threat to the maintenance of discipline and order in the school

- a witness shall be present during searches of property and lockers. The administration shall search a student's belongings, pockets, purse or person only in the event there is an immediate need such as a danger to the student or fellow students or if evidence of contraband or evidence of a violation of the code of conduct may be destroyed or hidden if the search is not performed immediately
- canine units may be utilized for the purpose of providing a more safe and secure learning environment. Parents will be notified if the canine unit reacts to their child's property.

INTERVIEWING STUDENTS BY LEGAL AUTHORITIES

Police officers may be allowed in the schools. Board policy 09.4361 provides specifics concerning officers in the schools.

When a student is being questioned by an officer concerning activities that might lead to criminal charges being brought against that student, it is the responsibility of the officer to inform the student of the following:

- that he/she has a right to remain silent
- that any statement he/she makes may be used as evidence against him/her
- that he/she has a right to the presence of an attorney

School personnel shall cooperate with law officials in the apprehension of an individual or individuals responsible for breaking the law while on school property.

Representatives of the Department for Human Resources may interview students as needed based on **KRS 620.030**.

DRESS CODES

The wearing of any attire, cosmetic, presentation of extraordinary personal appearance, or any unsanitary body condition that may disrupt schoolwork, interrupts scholastic endeavors, or threatens the health or safety of the wearer or of other students is prohibited.

Schools will print their dress code in the school handbook or information packet given to each student.

Principals shall enforce the dress code in their schools.

STUDENTS FROM OTHER SCHOOL DISTRICTS

Students living in other school districts must first be approved for admittance to any Lewis County School.

BEHAVIOR MANAGEMENT OF EXCEPTIONAL CHILDREN

When considering behavior management of special education students, the Office of Education for Exceptional Children has taken the position that Kentucky schools should analyze student behavior and follow the analysis by “nonaversive interventions” such as:

1. differential reinforcement procedures
2. shaping, and
3. stimulus change

The discipline problems of exceptional students shall be referred to the building principal.

Special education students may be suspended or expelled following currently existing legal procedures concerning those students.

APPENDIX

PUPIL SUSPENSION AND HEARING PROCEDURES

A good faith effort shall be made by the principal to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions that require immediate suspension.

If a student is suspended, and a parent/guardian can be contacted by telephone, the parent/guardian will be requested to make the arrangements for the release of the student to his/her custody. However, if a school administrator cannot contact the parent/guardian and the administrator determines that the student is no threat to others, he/she shall be allowed to attend the remainder of that day and the suspension shall become effective on the following day. If the administrator feels the student constitutes a threat to himself/herself or others, it is the administrator's responsibility to place this student in a controlled environment for the remainder of the school day. Verbal and/or physical contact with the parent/guardian will be required before student may return to school.

APPEAL PROCEDURES

Parents/Guardians desiring to question action taken by school personnel may follow this procedure:

1. The parent/guardian will contact the principal as soon as possible to discuss the problem. The principal may, at his discretion, convene a conference with the parent/guardian and any teacher, student or other person being acquainted with or having knowledge of the facts or events which led to the disciplinary action.
2. If step #1 does not result in a solution satisfactory of the problem to the parent/guardian, the said parent/guardian, shall set forth his/her complaint in writing and may request conference with the Superintendent or the Superintendent's designee. The Superintendent shall grant any reasonable request for a conference within ten (10) days after receipt of the request.
3. During this conference either party may have present individual(s) having knowledge relative to factors involved.
4. The Superintendent or his/her designee will advise the parent(s) in Writing of the disposition within fourteen (14) days after the conference.
5. The parents/guardians may appeal in writing to the Superintendent who will arrange a meeting with the Board of Education if the parents/guardians are not satisfied with the decision of the Superintendent or his/her designee.

Absences and Excuses

Pupils are required to attend regularly and punctually the school in which they are enrolled.

TRUANCY DEFINED

Any pupil 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. A pupil who has been reported as a truant two (2) or more times is a habitual truant. (KRS 159.150) A student who is absent for sixty (60) minutes or less of the regularly scheduled school day is tardy.

For the purpose of this policy, the number of absences shall be based on the cumulative number of days of unexcused absences, rather than the number of absence incidents. The numbers of tardies shall be based on the number of tardy incidents.

For the purposes of establishing the 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.

EXCUSED ABSENCES

An excused absence or tardiness, as listed below, is one for which work may be made up if proper documentation is received within three (3) school days of the student's return to school:

1. Death or severe illness in the pupil's immediate family;
2. Illness of the pupil;
3. Student court appearance (only for the student summoned and for the portion of the day required and with documentation from the court);
4. Religious holidays and practices as pre-arranged with Principal/designee;
5. Student doctor or dentist appointments (only for the portion of the day required and with documentation from the physician, dentist, or other appropriate health professional);
6. Student driver's permit or license tests (only for the portion of the day required and with documentation from the examiner);
7. Student participation in school-related activities including, but not limited to, 4H and participation in or attendance at the Kentucky State Fair, as approved by the Principal/designee;
8. Documented military leave;
9. One (1) day prior to departure of parent/guardian called to active military duty;
10. One (1) day upon the return of parent/guardian from active military duty; or
11. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

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. 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 receiving an excused absence under this section shall have the opportunity to make up school work missed and shall not have their class grades adversely affected for lack of class attendance or class participation due to the excused absence.

WRITTEN DOCUMENTATION

Written documentation from the student's parent/guardian or verification by a doctor, dentist or other appropriate health professional shall be required for all absences. Documentation is to be presented to the school in order to determine the status of the absence. The validity of all written excuses or statements shall be determined by the Principal or their designee.

The number of accumulated days of absence that may be excused by parent notes shall be six (6) per year. The number of tardies that may be excused by parent notes shall be six (6) per year.

Students who are enrolled or transfer during the second semester will be allowed three (3) parent notes for absences and tardies. These documents may be accepted for illness of the pupil, death or severe illness in the pupil's immediate family, religious holidays and/or family trips. Advanced written notice to the faculty and administration shall be required for family trips, and days missed will constitute a portion of the cumulative absence provision. Parents/guardians must accept the responsibility for helping the student make-up missed work.

Parents/guardians are encouraged to acquire verification from a doctor, dentist or appropriate health professional to help avoid exhausting the allotment of parent/guardian notes. Unless otherwise approved by the Principal, or designee, verification from a doctor/dentist/other appropriate health professional shall be required for absences in excess of the number of parent documents presented.

OTHER ABSENCES

- Treatment for Lice - The initial day a student is sent home for contracting lice (first occurrence) will be considered an excused absence. The student will be expected to attend school the next day and will be inspected by the nurse, health aide, school Principal, or designee upon return to school to assure the student is nit-free. Any further absence(s) will be unexcused.
- Suspension - Suspensions are unexcused absences. However, students may submit assignments made before the suspension and due during the suspension at the first class meeting following the student's return to school. Assignments made during the suspension and due after the suspension will be accepted on the due date.
- Unexpected Illness - If the school nurse, health aide, Principal or designee determines that a student should not be in school, this will be considered an excused absence for the remainder of that day and will not be counted against the parent and/or guardian absence notes.

SPECIAL CIRCUMSTANCES

It is understood that Principals or designee will be faced with special circumstances and should use their professional judgment in these cases. The age of the student and normal childhood and adolescent illnesses and conditions (e.g., chicken pox, mononucleosis, pneumonia, etc.) must be taken into consideration. Upon the request of the Principal, the DPP may appoint an attendance committee to review any possible misuse/abuse of the attendance policy.

HOMEBOUND

For long-term illnesses of five (5) school days or more, the parent/parent may request a doctor's verification for the student to participate in homebound instruction. Upon presentation of a completed homebound application, a committee will determine approval/denial of the physician's recommendation for homebound services.

MAINTENANCE OF RECORDS

At each school, the Principal will designate the person(s) responsible for coordinating contacts with parents and/or guardians and maintaining documentation of absence notification and student conferences. Each school shall strive to make contact with the family of truant students regarding concerns related to attendance.

The DPP will be responsible for any possible court action.

Harassment/Discrimination

DEFINITION

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

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

PROHIBITION

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

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

DISCIPLINARY ACTION

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

GUIDELINES

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

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

The Superintendent shall provide for the following:

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

Harassment/Discrimination

GUIDELINES (CONTINUED)

2. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved code of acceptable behavior and discipline.

4. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

NOTIFICATIONS

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

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

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

PROHIBITED CONDUCT

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

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

Harassment/Discrimination

PROHIBITED CONDUCT (CONTINUED)

2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

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

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

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

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

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

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

FALSE COMPLAINTS

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

OTHER CLAIMS

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

Access to Electronic Media

(Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner as required by this policy and related procedures, which apply to all parties who use District technology.

SAFETY PROCEDURES AND GUIDELINES

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

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

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

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communications;
- Preventing unauthorized access, including "hacking" and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minor's access to materials harmful to them.

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

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

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

PERMISSION/AGREEMENT FORM

A written parental request shall be required prior to the student being granted independent access to electronic media involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

EMPLOYEE USE

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic

Access to Electronic Media

(Acceptable Use Policy) continued

media is accessed in performance of one's duties.) Each employee is responsible for the security of his/her own password.

Resources should not be used for private business or personal gain.

District technology resources, and any materials generated using those resources, are the property of the District and therefore must remain solely in the District.

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

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

District employees and activity sponsors may set up blogs and other social networking accounts using District resources and following District guidelines to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction.

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

In order for District employees and activity sponsors to utilize a social networking site for instructional, administrative or other work-related communication purposes, they shall comply with the following:

1. They shall request prior permission from the Superintendent/designee.
2. If permission is granted, staff members will set up the site following any District guidelines developed by the Superintendent's designee.
3. Guidelines may specify whether access to the site must be given to school/District technology staff.
4. If written parental consent is not otherwise granted through AUP forms provided by the District, staff shall notify parents of the site and obtain written permission for students to become "friends" prior to the students being granted access. This permission shall be kept on file at the school as determined by the Principal.
5. Once the site has been created, the sponsoring staff member is responsible for the following:
 - a. Monitoring and managing the site to promote safe and acceptable use; and
 - b. Observing confidentiality restrictions concerning release of student information under state and federal law.

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

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

Access to Electronic Media

(Acceptable Use Policy) continued

COMMUNITY USE

On recommendation of the Superintendent/designee, the Board shall determine when and which computer equipment, software, and information access systems will be available to the community.

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

DISREGARD OF RULES

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

RESPONSIBILITY FOR DAMAGES

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care.

RESPONDING TO CONCERNS

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

AUDIT OF USE

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

The Superintendent/designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

RETENTION OF RECORDS FOR E-RATE PARTICIPANTS:

FOLLOWING INITIAL ADOPTION, THIS POLICY AND DOCUMENTATION OF IMPLEMENTATION SHALL BE RETAINED FOR AT LEAST FIVE YEARS AFTER THE LAST DAY OF SERVICE IN A PARTICULAR FUNDING YEAR.

Notification of FERPA Rights

Distribute this notice annually to parents and students.

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

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

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

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

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

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

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of privacy or other rights. They should write the school Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

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

Exceptions that permit disclosure without consent include:

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

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility to the District.

- b. Upon request, disclosure of education records without parent/eligible student notice or consent to officials of another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled or to other entities authorized by law so long as the disclosure is for purposes related to the student's enrollment or transfer.
- c. Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.

d. Disclosure to state and local educational authorities and accrediting organizations, subject to requirements of FERPA regulations.

- 5) ***The right to notify the District in writing to withhold information the Board has designated as directory information as listed in the annual directory information notice the District provides to parents/eligible students.***

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

- 6) ***The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U. S. Armed Forces and its service academies, the Kentucky Air National Guard, and the Kentucky Army National Guard.***

Unless the parent or secondary school student requests in writing that the District not release information, the student's name, address, and telephone number (if listed) shall be released to Armed Forces recruiters upon their request.

- 7) ***The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.*** The name and address of the Office that administers FERPA is:

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

