

Student Code of Acceptable Behavior & Discipline 2022-2023



Breathitt County Board of Education

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Approved by the Breathitt County Board of Education

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In accordance with KRS 158.148, "A copy of the code of behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall provide copies for discussion with students. The code shall be referenced in all school handbooks. All school employees shall be provided copies of the code."

THE BREATHITT COUNTY BOARD OF EDUCATION DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AGE, RELIGION, MARITAL STATUS, GENDER, OR DISABILITY IN EMPLOYMENT, EDUCATIONAL PROGRAMS, OR ACTIVITIES.

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BREATHITT COUNTY SCHOOLS

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SECTION 1. INTRODUCTION

The Breathitt County Board of Education (*hereinafter referred to as the Board*) requires high standards of personal conduct from each student to promote respect for the rights of others and to accomplish the purposes of the schools. The Board also requires compliance with established standards and rules of the district and the laws of the community, state and nation. In accordance with KRS 161.190, whenever a teacher or school administrator is functioning in his capacity as an employee of a board of education of a public school system, it shall be unlawful for any person (including students and parents/guardians of students) to direct speech or conduct toward the teacher or school administrator when such person knows or should know that the speech or conduct will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school.

The central purpose of the school system is to educate each student to the highest level possible. To support the success of the educational program, the Board directs employees to hold each student accountable to the standards of the Code for Acceptable Behavior and Discipline (*hereinafter referred to as the Code*) in a fair manner. Compliance with the standards is necessary to provide:

1. Orderly operation of the schools
2. A safe environment for students, district employees and visitors to the schools
3. Opportunities for students to achieve at a high academic level in a productive learning environment
4. Assistance for students at risk of failure or of engaging in disruptive behavior
5. Regular attendance of students
6. Protection of property

This Code applies to all students in the District while at school, on school property, on their way to and from school, while on the bus or other District vehicle, and while they are participating in school-sponsored trips and activities. School property means any public school building, bus, public school campus, grounds, recreational area, or athletic field in the charge of the Principal. The Superintendent/designee is responsible for its implementation and application throughout the District. The Principal is responsible for administration and implementation of this Code within his/her school in a uniform and fair manner without partiality or discrimination.

Each school/council must select and implement appropriate discipline and classroom management techniques necessary to carry out this Code and shall provide a list of the school's rules and discipline procedures in the school handbook. Teachers and other instructional personnel are responsible for administering the Code standards in the classroom, halls, and other duty assignment locations.

This Code establishes District behavior standards. Recognizing that each school, grade or class may require special provisions, school councils, administrators and teachers have full authority to make rules to enforce these standards in keeping with their areas of responsibility.

SECTION 2. CODE FOR ACCEPTABLE BEHAVIOR AND DISCIPLINE REFERENCE DOCUMENTS (BOARD POLICY 09.42)

Below is a listing of Policies, Handbooks, Plans, Records, Statutes, and Regulations that are incorporated into and made a part of this Code by reference.

1. Other Board of Education policies and procedures
2. School Council policies
3. School handbooks
4. The District's Safety Plan
5. Student records information (Family Education Rights and Privacy Act – FERPA)
6. The District's special education policy and procedures
7. Kentucky Revised Statutes
8. Kentucky Administrative Regulations

9. Federal laws and Regulations
10. Attorney General's Opinions

This Code is part of the Board's policy on student behavior and discipline. After this Code is distributed for the school year, changes to Board policy, including those affecting provisions of this Code, may be necessary due to new/revised statutes, regulations, and/or case law.

A complete copy of the policy manual is available for inspection at each school and at the Central Office.

Students in Breathitt County Schools are provided the right to an education in the public schools. The United States Supreme Court has held that a student may not be deprived of the opportunity to a public education without good cause in which procedural due process is observed. It is the responsibility of each student to behave in a manner that does not threaten, interfere with, or deprive other students of their right to an education. Behavior that detracts from a student's ability to profit from instruction or that infringes upon the rights of others warrants disciplinary action. The intent of disciplinary actions should be to bring about a positive change in the student's behavior.

Professional judgment, devoid of anger or negative emotions on the part of the staff member, shall be used when determining the appropriate disciplinary action to be taken. In general, the concept of fitting the punishment to the seriousness of the violation of the rules shall apply at all levels. The student's right to due process procedures must be respected, especially in instances when possible suspension, expulsion or removal of the student is involved.

This Code shall be mandatory and enforced in a fair and equitable manner, without regard for race, color, national origin, age, religion, marital status, gender, or disability in all Breathitt County schools and at all school-related trips.

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

This Code, on adoption by the Board, shall be furnished to every Principal, faculty member, staff member, parent, and student. The Principal in each school shall post, in a conspicuous place, a copy of this Code and a notice informing anyone entering the school where a copy of this Code may be obtained. It is the responsibility of all parents, students, and District personnel to become familiar with this Code.

Teachers and all school personnel shall be provided orientation of the Code each school year during a pre-school in-service program.

The Code shall be presented to all students in assembly meetings by the Principal and/or in homerooms by teachers in order to clarify the contents. These presentations will occur during the first week of the school year. Whenever a new student enrolls, the guidance counselor, or other school personnel as directed by the Principal, shall present the student and his/her parent(s)/guardian(s) with a copy of the Code and explain the contents with the student and the student's parent(s)/guardian(s).

The Principal/designee shall provide appropriate arrangements for all non-English speaking, blind, deaf, or non-readers to become familiar with the rights and responsibilities as specified in this Code.

SECTION 3. DISTRICT ATTENDANCE POLICY (BOARD POLICY 9.123)

Absences and Excuses

LEGAL: HB 44 AMENDS KRS 159.035 STATING THAT THE BOARD MAY INCLUDE PROVISIONS IN THIS POLICY FOR EXCUSED ABSENCES DUE TO A STUDENT'S MENTAL OR BEHAVIORAL HEALTH.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: HB 517 AMENDED KRS 159.035 TO REQUIRE THAT ANY STUDENT ENROLLED IN A PUBLIC SCHOOL SHALL NOT HAVE HIS OR HER PERFECT ATTENDANCE RECORD NEGATIVELY AFFECTED BY PARTICIPATING IN ANY OF THE PAGE PROGRAMS OF THE GENERAL ASSEMBLY.

FINANCIAL IMPLICATIONS: ALTHOUGH THE STUDENT IS NOT PRESENT AT SCHOOL, THE DISTRICT WILL STILL RECEIVE SEEK FUNDING

STUDENTS 09.123

Absences and Excuses

Pupils are required to attend regularly and punctually the school in which they are enrolled. Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125.¹

TRUANCY DEFINED

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

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

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

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

EXCUSED ABSENCES

An excused absence or tardiness is one for which work may be made up, such as:

1. Death or severe illness in the pupil's immediate family;
2. Illness of the pupil, including mental or behavioral health;
3. Religious holidays and practices;
4. One (1) day for attendance at the Kentucky State Fair;
5. Documented military leave;
6. One (1) day prior to departure of parent/guardian called to active military duty;
7. One (1) day upon the return of parent/guardian from active military duty;
8. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave;
9. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces;
10. Students participating in any of the page programs of the General Assembly;² o
Absences and Excuses
11. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities. (i.e. job shadowing and college visits.)

Students receiving an excused absence under this section shall have the reasonable 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. It is the responsibility of the student to meet with teachers to get missed assignments.

A student who is participating in a school-related activity during school hours shall not be counted absent. However, the student shall be required to make up any assignments missed.

EDUCATIONAL ENHANCEMENT OPPORTUNITIES

Kentucky law specified that a student may be considered for an excused absence if the absence is deemed as an Educational Enhancement Opportunity. The following procedures will be followed to request approval:

1. Requests shall be submitted to the building Principal prior to the absence for consideration;
2. The proposed activity must have significant educational value, be intensive in nature and be directly related to the core subjects of English, Science, Mathematics, Social Studies, Foreign Language and/or Fine Arts;
3. A student may be approved up to ten (10) days per school year;
4. The building Principal shall use his/her judgment whether the request meets the criteria for approval;
5. Students will not be penalized academically for days approved as Educational Enhancement Opportunity;
6. Students shall be responsible to make arrangements with their teachers for all missed assignments;
7. Requests will not be approved during the CATS assessment window and/or the district-wide assessment window and extenuating circumstances may be left to the discretion of the Principal; and
8. A Principal decision may be appealed to the Superintendent and then to the Board.

NOTES REQUIRED

Unless the Principal determines extenuating circumstances exist, no more than three (3) parent or guardian notes will be accepted for each semester.

STUDENTS 09.123
(Continued)

Absences and Excuses

NOTES REQUIRED (CONTINUED)

Health Care Provider Notes: A student who is absent due to illness and goes to the doctor shall present the health care provider's statement. The following information is required on the excuse statement:

- 1) name of health care provider;
- 2) date and time of appointment;
- 3) date student can return to school;
- 4) health care provider's signature.

Up to ten (10) days per school year may be excused with a health care provider's note. Any absence or tardy day due to medical reasons in excess of ten (10) health care provider's notes will require the presentation of the Medical Excuse form before the absence will be excused. After ten (10) days of absence/tardiness in a school year for medical reasons, the Medical Excuse form shall be completed in order for the student to receive additional medical excuses. The Medical Excuse form is available at each school, the office of the Director of Pupil Personnel, on the official District website and at parent request at some medical facilities.

SCHOOL HANDBOOKS

Each school handbook shall include specific attendance requirements.

UNEXCUSED ABSENCES

Work missed during unexcused days may be made up at the discretion of school teachers.

STUDENTS 09.123
(Continued)

Absences and Excuses

REFERENCES:

¹702 KAR 7:125

²KRS 159.035

KRS 36.396; KRS 38.470; KRS 40.366

KRS 158.070; KRS 158.183; KRS 158.293; KRS 158.294

KRS 159.140; KRS 159.150; KRS 159.180

OAG 76-566; OAG 79-68; OAG 79-539; OAG 91-79; OAG 96-28

RELATED POLICIES:

09.111; 09.122; 09.4281

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

Section 5. TRUANCY DIVERSION PROGRAM (Board Policy 09.123)

A truancy diversion program will be implemented at BHS. The purpose of this program is to help students and families develop good attendance habits in order to enhance their success in school. This program will be administered by the Breathitt District Court Judge, Court Designated Worker, Director of Pupil Personnel, Principal, Counselor, Youth Service Center Coordinator and any other additional school personnel as may be necessary.

The truancy diversion program will consist to the following procedures:

Pre-Compliant Procedure

Students who are truant, meaning absent or tardy without a valid excuse for three (3) or more days, will be placed in the truancy diversion program. The student and his/her parent/guardian will attend a conference. The review, team consisting of the Court Designated Worker, Director of Pupil Personnel, Principal, Counselor, Youth Service Center Director, and any other necessary school personnel, will meet with the student and his/her parent/guardian to provide information about the legal requirements regarding truancy and habitual truancy, the purposes, procedures, and expectations of the truancy diversion program and the academic, attendance and disciplinary records of the student. The team will also identify any problems the student may be having which may be attributing to the student being truant.

Once a student has participated in the Truancy Diversion Program, the school staff and DPP will monitor the student's attendance. **Upon the 6th unexcused event, the student can be charged with truancy with the Court Designated Worker.** At that time, the CDW will contact the student and his/her parents/guardians to attend a meeting with him/her to discuss the requirements for the diversion program. If the CDW at any point during the diversion rules that the diversion has been unsuccessful, the student will then be sent to the Family Court Judge.

SECTION 6. ZERO TOLERANCE

The Breathitt County School District has adopted a Zero Tolerance policy in the areas of Drugs, Alcohol, Weapons (as defined by the Criminal Code of Kentucky), and Violence. No student while in or on the premises owned, leased, rented or controlled by the Board of Education or at any school-sponsored activity shall dispense, distribute, manufacture, sell, traffic in, transfer, possess, consume, be under the influence of, or use any controlled substances or alcoholic beverages in violation of KRS Chapter 218 A, or in any other way dispense, distribute, manufacture, sell, traffic in, transfer, possess, consume, be under the influence of, or use any controlled substance or alcoholic beverage in violation of laws, ordinances or regulations of the United States of America, the State of Kentucky, the County of Breathitt, or the Board of Education of Breathitt County, or any of their respective agencies.

Alcohol, Drugs, and Other Prohibited Substances (See Board Policy 9.423)

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

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the student's intent to pass off the item as a controlled substance.

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

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams, extracurricular activities and/or other school-sponsored activities. Students who drive on campus shall have their driving privileges terminated. Principals shall report promptly to the local police department, sheriff, or Kentucky State Police if they have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within 1,000 feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

Drug Testing Policy See Board Policy 9.423 (continued)

Any member of an athletic team or extracurricular activity sponsored by the middle school or high school shall be subject to random drug testing through urine specimen testing for controlled substances performed by the Drug Coordinator. A positive test result (with no medical cause) will be reported to the identified Drug Coordinator. The Drug Coordinator shall inform the Principal of the student's school, who will then inform the parents/guardians of the student. Failure to submit to random testing or comply with the terms of this policy shall result in the immediate suspension of all athletic or extracurricular activities. Please refer to the Board Policy (9.423) for consequences of violations to this policy.

Weapons and Knives Policy (See Board Policy 5.48.)

Students shall *never* bring a weapon, knife, or dangerous instrument of any kind to school. The Board urges

parents and other citizens to make sure that students do not have inappropriate access to weapons.

Both Board policy and Federal and State laws prohibit the carrying, bringing, using, or possessing of any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle or at any school-sponsored activity. Except for authorized law enforcement officials, the Board specifically prohibits the carrying of concealed weapons on school property.

When a student violates the prohibition on weapons, the Principal shall immediately report the matter to the Superintendent, who shall determine if charges for expulsion are to be brought before the Board. The penalty for students bringing a firearm or other deadly weapon, destructive device, or booby trap device to school or onto the school campus/property under jurisdiction of the District shall be expulsion for a minimum of twelve (12) months. (The Gun-Free Schools Act of 1994 and KRS 158.150) District employees must also report to law enforcement officials if they know or have reasonable cause to believe that conduct has occurred that constitutes the carrying, possession, or use of a deadly weapon on the school premises, on a school bus, or at a school-sponsored or sanctioned event.

SECTION 7. TOBACCO FREE CAMPUS (BOARD POLICY 09.4232) – Effective 7/1/15

Students, staff, and visitors must observe the tobacco-free campus policy adopted by the Board. This policy does not exclude the use of E-cigarettes. Anyone under the age of 18 that is caught with tobacco can be charged with a status offense of possession of tobacco. That student may be referred to the Court Designated Worker.

SECTION 8. BULLYING/HAZING (BOARD POLICY 09.422)

Bullying refers to any intentional act by a student or groups of students directed against another student to ridicule, humiliate, or intimidate the other student while on school grounds, on the bus, or at a school sponsored activity, which acts are repeated against the same student over time.

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

Students must make the report to a staff member at their respective schools.

SECTION 9. HARASSMENT AND DISCRIMINATION (BOARD POLICY 09.42811)

The Breathitt County School District is governed by federal, state, and local anti-discrimination laws that ensure that students do not suffer harassment or discrimination. No discrimination is allowed on the basis of age, color, disability, marital or parental status, national origin, race, gender, political opinion or affiliation, and/or region.

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

HARASSMENT/DISCRIMINATION PROHIBITED – 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. Notes: Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.

REPORTING BY COMPLAINANT OR OBSERVER – Individuals who believe they have been a victim of an act of harassment/discrimination or who believe they have observed others being victimized will report the act to the proper authority as soon as reasonably possible.

The Principal is responsible for receiving reports of harassment/discrimination at each school. Reports may also be made directly to the Superintendent, his/her designee, or the District Title IX Coordinator. The District will not be deemed to have received a complaint of harassment/discrimination if a report is not made to one

these designated officials. In cases of alleged sexual harassment, the District Title IX Coordinator will be notified.

The Superintendent or his/her designee will also provide for the development of alternate methods of filing complaints for individuals with disabilities and others may need accommodations.

PROHIBITED MISCONDUCT – Depending of 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:

- Any nicknames, slurs, stories, jokes, 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 the Breathitt County Board of Education Policy 9.42811.
- Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
- 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;
- Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
- 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
- Destroying or damaging an individual's property based on any of the protected categories.

DISCIPLINARY ACTION – District staff will provide prompt and equitable disciplinary action to resolve any complaints of harassment/discrimination. Students who engage in harassment/discrimination of an employee or another student shall be subject to disciplinary action including but not limited to suspension and expulsion. False or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

For procedures regarding harassment/discrimination, please refer to Breathitt County School Board Policy 9.42811. Due process will be followed with all circumstances.

SECTION 10. GRIEVANCES (BOARD POLICY 09.4281)

Any student or parents wishing to express an educational concern or individual grievance shall observe the following order of appeal:

1. Teacher;
2. Principal;
3. School Council (where appropriate);
4. Superintendent;
5. School Board.

TIME LIMITS – Grievance initiation forms must be filed within seven (7) school days following the alleged violation. Time limits may be extended by mutual consent of the Board, its authorized agents, and the grievant. If no extension occurs and the grievant does not file an appeal to the next level within ten (10) school days of receiving a response, the grievance shall be considered to have been settled and terminated at the previous level, and the answer given at that level shall stand.

SECTION 11. VISITORS (BOARD POLICY 10.5)

The Board of Education encourages visitors who have legitimate educational interests pertaining to the District's public school program to visit the schools. Persons visiting the schools shall do so under the following guidelines:

1. Visitors shall report immediately to the Principal's office upon entering the school to identify themselves and declare their purpose for visiting.
2. Visits shall not interrupt the instructional program for students; i.e., teaching, testing, etc., and shall be scheduled with the Principal.

All other visits must follow the guidelines set forth in the Board policy. This policy does include that all visitors must follow the Tobacco-Free Campus policy.

SECTION 12. REGULATIONS FOR STUDENTS RIDING SCHOOL BUSES (BOARD POLICY 09.226)

The privilege of any student to ride a school bus is based upon their good behavior and observance of the following rules and regulations prescribed under state statutes and under state and local regulations. Students violating these rules or regulations will be reported to the Principal of the school that the student attends for necessary corrective action. The bus driver is responsible for the safety of the bus passengers and shall comply with 702 KAR 5:080. The bus driver is in full, total, and complete charge of the school bus and students. Camera boxes will be used on all buses.

It is the responsibility of the students to follow the following rules:

1. Students shall obey the school bus driver.
2. Students shall be on time at their bus stop; the bus cannot, and will not, wait for those students who are not on time at their bus stop.
3. Students are not to obstruct the aisle in any manner or place any articles at the door near the driver.
4. Students must ride the school bus which they are assigned to and from school unless they have a bus note.
5. Students shall not cross the roadway when entering the school bus until signaled to do so by the bus driver.
6. When students are required to cross the roadway when entering or leaving the school bus, crossings shall be made in front of the bus. Students shall cross approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.
7. When students enter the bus, they shall proceed directly to a seat.
8. Students shall remain seated until the bus has come to a complete stop.
9. Students shall not extend their arms, legs, or heads out the bus windows.
10. Students shall not change from one seat to another while the bus is in motion unless given permission by the bus driver.
11. Students shall not create noise on the bus to the extent that it might distract the bus driver or to the extent that it might interfere with the driver's ability to hear the signals of emergency vehicles or an approaching train.

If a student does any damage to the school bus, the parents or guardians may be held responsible for restitution of any damages, beyond normal usage, inflicted by their child.

STUDENTS WITH DISABILITIES

Students with disabilities who exhibit inappropriate conduct shall be managed in accordance with their Individual Education Plan (IEP) and the legal obligations and standards adopted by the Board.

DISCHARGE FROM BUS

Drivers are in charge of their buses with their first priority being the safe transport of students. If any students are behaving in a threatening or violent manner or in such a way as to endanger the safety of other students on the bus, the driver is authorized to order the offending pupils from the bus. In the event a pupil is discharged for disciplinary reasons, the driver shall make every effort to do so near a house or open business establishment. At the first reasonable opportunity, the driver shall notify the Principal of the school where the student attends or the Superintendent and the student's parent or legal guardian.

WITHHOLDING OF RIDING PRIVILEGES

The Principal is authorized to withhold bus-riding privileges up to a maximum of ten (10) school days per occurrence in the case of habitual or serious conduct violations. The Principal shall notify the parents/guardians in cases where bus-riding privileges have been withheld.

The Superintendent or the designee of the Superintendent may withhold bus-riding privileges up to the remainder of the school year.

BUS EVACUATIONS – Evacuation drills will be conducted in accordance with state law. Any time a student is suspended from the bus, the parent/guardian is responsible for transporting or making

arrangements for transporting the student to and from school. Any student not attending school, as a result of being suspended from the bus, may have truancy charges filed against him or her in juvenile court.

SECTION 13. NO PASS NO DRIVE (Board Policy 09.4294)

Students who are sixteen (16) or seventeen (17) years old who become academically deficient or deficient in attendance shall be reported to the Transportation Cabinet for driver's license, permit or driving privilege revocation. A student shall be deemed academically deficient if they have not received passing grades in at least four (4) courses, or the equivalent of four (4) courses, in the preceding semester. The student shall be deemed deficient in attendance when they drop out of school or have accumulated nine (9) unexcused absences in a semester. Suspensions shall be considered unexcused absences.

To have the driving privileges reinstated, the students must apply to the Director of Pupil Personnel to have their standing confirmed once they meet the statutory standards. The District shall make the required report to the appropriate agency.

SECTION 14. STUDENT SEARCHES (BOARD POLICY 09.436)

Students have the right to be protected from unreasonable searches of their person and their property. However, school authorities are authorized to search a student if they have reasonable suspicion that the search will reveal evidence that the student has violated or is violating either a school rule or the law. Search of a student's person shall be conducted only with the express authority of the Principal. School authorities also have the right to regularly inspect school property, such as lockers, desks, and network systems, technology resources, and accounts owned or supplied by the District. If a student fails to cooperate with school authorities when a search is requested, they shall be subject to other disciplinary action.

All searches will be conducted in accordance to board policy.

The KSP Canine unit may visit any of the schools at any time to conduct a routine walk through.

SECTION 15. BEHAVIOR VIOLATIONS (BOARD POLICY 09.4 AND 09.42)

Code of Acceptable Behavior and Discipline The Breathitt County Board of Education requires high standards of personal conduct from all students and embraces the concept that each student shall respect the rights of others and abide by the administrative procedures of the school district and the laws of the community and state.

Discipline problems are less likely to occur in classes which are well taught and which maintain a high level of student interest and expectation. However, teachers have the authority and responsibility to use reasonable methods to maintain classroom control without having to refer students to the school principal. The Superintendent/designee shall be responsible for overall implementation and supervision of the Board's Code of Acceptable Behavior and Discipline, and each Principal shall be responsible for the administration and implementation of the Code within each school. The Principal shall apply the Code uniformly and fairly to each student without partiality or discrimination.

The SBDM and Principal of each school shall set school policy concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to carry out the Code. 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. In determining the appropriate disciplinary option, consideration needs to be given to the number of times a student has had to be disciplined and how many times a particular option has been used. Repeated violations may require more severe consequences.

Special Education Students – In cases involving students with disabilities, the procedures mandated by federal and state laws, and the students' Individual Education Plan, will be followed.

A behavior matrix for behaviors and consequences can be found on pages 23-24 of this handbook. The Schools' Student Handbooks may address more offenses. If an offense is not address, the consequences will be determined on an individual basis, as consistently and fairly as possible.

Level I Offenses

These are minor misbehaviors which require immediate intervention by the staff member who is supervising the student or who observes the violation. These misbehaviors may include, but are not limited to, the following

1. Disrupting and/or interfering with the normal operations in a classroom.
2. Tardy on a regular basis.
3. Failure to carry out a reasonable request from teacher or other school official.
4. Failure to comply with school based dress codes (Board Policy 09.427).
5. Any other violations which are expressly listed in the written school rules and related procedures that fall within this category.

Response Options for Level I Offenses: verbal reprimand, a behavioral contract, counseling, withdrawal of privileges, strict supervised study, school or teacher assigned detention, referral to In School Suspension, notification of parent, Saturday School.

Level II Offenses

These are actions which disrupt the learning climate of the school. These misbehaviors may include, but are not limited to the following

1. Repeated violations of Level I offenses.
2. Not attending an assigned class without a valid excuse.
3. Forging notes or willfully providing misinformation concerning absences, truant behavior.
4. Disrespectful behavior including use of profanity, and/or an obscene gesture or back talking towards another person(s).
5. Failure to follow the procedure for prescribed and over the counter medications.
6. Possession and/or displaying of obscene material.

Response Options for Level II Offenses: teacher/schedule change, referral to ISS, behavior intervention plan, social probation, referral to an outside agency, strict supervised study, extra assignments, detention, revocation of bus privileges, suspensions, notification of parent, Saturday School.

Level III Offenses

These are acts against a person(s) or property which may indirectly endanger the health or safety of others. These violations require administrative action. Depending on the circumstances, some of these offenses may require notification of appropriate law enforcement authorities. These behaviors may include, but are not limited to, the following

1. Repeated violations of Level I and/or Level II offenses.
2. Fighting
3. Assault by striking, shoving, kicking or otherwise subjecting another person to offensive physical contact with another person resulting in physical or emotional damage.
4. Threatening to assault another person, to inflict significant physical or emotional damage.
5. Encouraging or inciting discord or a civil disturbance including bomb threats or false fire alarm activation.
6. Vandalism (defacing or disfiguring school and personal property), trespassing, unlawful entry, criminal mischief, burglary or larceny.
7. Interfering with school personnel in impeding their ability to carry out their responsibilities.
8. Possessing and/or using a lighter, matches, or tobacco products at school (Board Policy 09.4232).
9. Gambling.
10. Speeding, reckless driving, or improper use of motor vehicle on school property.
11. Sexual contact, sexual harassment.
12. Computer hacking or disruptive use of electronic devices.
13. Threatening, extortion, blackmail or coercing another student.

Response Options for Level III Offenses: Temporary removal from class, referral to ISS, behavior plan, referral to outside agencies, suspensions, revocation of bus privileges/driving privileges, notification of parent, Saturday School.

Level IV Offenses

These are serious violations, which require administrative actions, notification of appropriate law enforcement authorities and result in the immediate removal of the student from the school. A request for a hearing with the

Superintendent or his/her designee is mandatory with a Level IV violation. These misbehaviors may include, but are not limited to the following

1. Repeated violations of Level II and/or Level III offenses.
2. Arson, the intentional setting of a fire.
3. Assault, by striking, shoving, kicking or otherwise subjecting another person(s) to physical contact resulting in significant physical injury or physical threat of life or violence to another person(s).
4. Possession, use, or transfer of dangerous weapons: explosives, gun, rifle, knife, leaded cane, blackjack, metallic knuckles, razor/cutter, mace, pepper gas, or martial arts weapons (including using or threatening to use any blunt or sharp-pointed instrument which may be capable of inflicting bodily injury).
5. Possessing, exchanging, selling, distributing or, under the influence of alcohol, drugs or any substance purported to be an illegal drug, possession of related drug paraphernalia.
6. Interfering with school personnel by force or violence in impeding their abilities to carry out their responsibilities.

Response Options for Level IV Offenses: These are serious violations, which require administrative actions, notification of appropriate law enforcement authorities and result in the immediate removal of the student from the school. A request for a hearing with the Superintendent or his/her designee is mandatory with a Level IV violation. Parent notification will occur.

At any time that a student is questioned by law enforcement or a School Resource Officer, that student will be read their Miranda Rights prior to being questioned.

SECTION 16. SUSPENSION and EXPULSION-- (Board Policies 09.434 and 09.435)

For certain violations, administrators, such as the Superintendent, the Principal, or Assistant Principal may suspend a student up to a maximum of ten (10) days per incident. A student shall not be suspended until due process procedures have been provided as described in KRS 158.150 (Board Policy 09.431), unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process.

A report of suspension shall be made in writing to the Superintendent and to the parent of the student being suspended. Suspension of elementary school students shall be considered only in exceptional cases where there are safety issues for the child or others.

A student on suspension shall not be allowed to participate in any extracurricular activity sponsored by the school. In addition, the days of suspension are considered to be unexcused absences.

Suspension of Students with Disabilities – In cases that involve students with disabilities, procedures mandated by federal and state laws for students with disabilities will be followed.

The Board may expel any student from the regular school setting for misconduct as defined by law. Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others. Due process procedures will take place.

The Superintendent shall present to the Board for its approval options for providing educational services to expelled students.

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

SECTION 17. ELECTRONIC MAIL / ELECTRONIC (COMPUTER) ACCEPTABLE USE POLICY (AND MONITORING) (BOARD POLICY 08.2323)

The Breathitt County Board of Education supports reasonable access to various information formats for students, staff, 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 – 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 technology resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit use 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 cyber bullying and awareness and response. Students in grades 5-12 can earn a Digital Drivers License in order to utilize electronic media.

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 online;
- Restricting minors' access to materials harmful to them.

Written parental permission shall be required prior to the student being granted access to electronic media involving District technology resources. The required permission/agreement form, which shall specify acceptable uses, rules of online behavior, access privileges and penalties for policy/procedural violations, must be signed 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' parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

STUDENT OWNED MOBILE COMPUTING DEVICES

Students in grades 5-12 may utilize the wireless guest network on a personally owned computing device with teacher permission if they have earned a Digital Driver's License which is not currently suspended. Students may not utilize a personal computing device that has been blocked from the network due to activity which violates the District Acceptable Use Policy.

Students who bring to school any privately owned laptops or other mobile technology devices, including but not limited to, iPod Touch, iPad, etc., are responsible for the equipment. Responsibility for the maintenance and repair of the equipment rests solely with the student. Any damage to the equipment is the responsibility of the individual.

All software residing on the privately owned computers must be personally owned. All student-owned computer devices must include current anti-virus software.

If personal software or hardware interferes with the District network software or hardware, a technician may remove the computing device from the network. Any damage caused by use in the District is the responsibility of the owner.

All privately owned computers attached and/or connected to the District's network are treated as the District's computers/devices for networking purposes. The District reserves the right to:

1. Monitor all activity and log network use.
2. Make determinations on whether specific uses of the computer are consistent with the District's AUP and the School's Code of Conduct/Handbook Policy.
3. Install any additional management software or apply any permission/security policies to the equipment.
4. Remove the user's access to the network and suspend the right to use the privately owned computer in District/School facilities and on District/School property if at any time it is determined that the user is engaged in unauthorized activity or is violating the AUP.

The District does not guarantee the privacy or security of any item stored on or transmitted by any privately owned computer. Students are NOT allowed to attach to any other wireless networks that may be unsecured in the neighborhood of the schools. Failure to comply with this policy will result in the termination of rights to use a wireless device in the schools.

District Technology Property Deployment Agreement

While the primary purpose of the Breathitt County School District's technology equipment is for use on site during the instructional day, students will also be able to utilize devices for anywhere, anytime learning. All students/parents/guardians will be required to sign this form and submit fees before technology equipment can be taken to a location other than a District facility. Technology equipment may be assigned under the provisions of the Acceptable Use Policy.

By completing and signing this form, I/we acknowledge and agree as follows:

1. All use of the District's technology equipment will be for educational purposes. At no time will the equipment be used for personal, commercial or business use, or for political or religious reasons.
2. To abide by the provisions of the District's Acceptable Use Policy and adhere to copyright law. This includes no unlawful copying or distributing of software.
3. To use ordinary care and diligence in protecting, safeguarding, and supervising use of the equipment, all components and accessories, and returning it to the District in the same condition it was in prior to deployment, excluding normal wear and tear; and to assume liability for any damage, loss, or theft of the equipment while in my care.
4. To participate in training in the use and care of technical equipment as provided by the District.
5. It is recommended that individuals who are assigned technology equipment have homeowners, renters and/or automobile insurance coverage in case of theft or loss.
6. Any technology equipment that is lost, stolen or damaged will result in financial loss to the School District. If it is determined that the loss of a system, or damage to a system is a result of the individual's failure to comply with School District policies and procedures, or because of the individual's intentional act, the individual will be required to reimburse the School District for the cost of replacement or repair of the device.
7. Technology equipment should not be left in vehicles due to risk of theft, as well as damage that may be incurred by excessive heat or cold.
8. Technology equipment should not be left in an unsecured location.
9. In cases of obvious neglect, abuse or violations, the technology equipment will be taken from the individual and reassigned.
10. Problems with the functionality of the equipment must be reported to the District. No on-site home support will be available to users. If units need to be sent out for repair, loaner units will NOT be available.
11. All technology equipment must be recorded in the Breathitt County School District technology inventory. Breathitt County reserves the right to perform a physical inventory of the hardware at any time.
12. Technology equipment will receive mandatory diagnostic checks and virus software at the discretion of the Breathitt County School District technology coordinator. At such times, the equipment will be returned to the District Technology Office at 420 Court Street, Jackson, Kentucky.
13. Technology equipment should be immediately returned upon request to the District technology coordinator. Failure to do so will result in termination of deployment agreement.

14. Users are responsible for the backup of all personal data on the technology equipment. Brethitt County School District assumes no liability for the loss of data. All personal information should be saved to an external source.
15. Individuals must report lost, damaged or stolen equipment within 24 hours to the District. Stolen equipment will be reported to the appropriate law enforcement agency to insure thorough investigations, pursuit of criminal prosecution and full restitution, when possible, to the fullest extent of the law.
16. To return the technology equipment to the school:
 - a. On or before the due date on this agreement.
 - b. Prior to the due date if requested by the authorizing supervisor or technology coordinator.
 - c. When withdrawing.

SECTION 18. ALTERNATIVE PLACEMENT (BOARD POLICY 09.4341)

DEFINITION

ALTERNATIVE EDUCATION PROGRAM MEANS A PROGRAM THAT EXISTS TO MEET THE NEEDS OF STUDENTS THAT CANNOT BE ADDRESSED IN A TRADITIONAL CLASSROOM SETTING BUT THROUGH THE ASSIGNMENT OF STUDENTS TO ALTERNATIVE CLASSROOMS, CENTERS, OR CAMPUSES THAT ARE DESIGNED TO REMEDIATE ACADEMIC PERFORMANCE, IMPROVE BEHAVIOR, OR PROVIDE AN ENHANCED LEARNING EXPERIENCE. ALTERNATIVE EDUCATION PROGRAMS DO NOT INCLUDE CAREER OR TECHNICAL CENTERS OR DEPARTMENTS.¹

ELIGIBILITY CRITERIA

Alternative education placements may be utilized for students in grades 6-12.

Placement may be voluntary or involuntary, and the program may be offered either on-site or off-site.

An ILP shall exist for a student in grade six (6) and above as required by regulation prior to placement in a District Alternative Education Program. Criteria for involuntary assignment by District personnel in the Alternative Education Program may include one (1) or more of the following:

- The need for a different educational environment for the student that will reflect an instructional delivery style best provided in an alternative setting.
- The student has contributed to substantial and on-going disruption of the educational process.
- Documentation that there are specific academic and/or behavioral performance areas that require intensive assistance best provided in alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- Documentation that the student needs intensive support in the areas of social and personal issues that are impeding academic performance and/or behavioral expectations.
- The student has been assigned for code of conduct or Board policy violations for which assignment to an alternative program is authorized under the code or policy.
- The student has been identified as being at risk of academic failure and/or dropping out of school.
- The student has previously dropped out of school, but has requested to return to school via enrollment in an alternative education setting.
- The student is assigned to an alternative school or program for other reasons as provided in the code of conduct, Board policy, or other program standards adopted by the Board.
- Other reasons related to safety concerns and educational needs of the student referenced in [704 KAR 019:002](#).

A student's parent/legal guardian or a student who is eighteen (18) years of age or older may request voluntary placement in the Alternative Education Program.

Student Rights and Responsibilities

Students have the right to:

- An appropriate and free public education.
- Receive academic grades based only on academic performance.
- Be kept informed as is reasonably possible of all rules, regulations, policies, and penalties to which they may be subjected and be assured of all due process rights.
- Personal safety and security while at school and school-sponsored activities.
- Involvement in school activities without being subjected to discrimination on the basis of race, national origin, marital status, sex, economic status, or handicapping condition.
- Present complaints or grievances to school authorities and receive authoritative replies from school authorities.
- Receive consultation or counseling in academic, personal, social and career related concerns.
- Protection of their personal property.

Students have the responsibility to:

- Attend school regularly and arrive on time.
- Show consideration for the rights of others within the total school environment.
- Refrain from conduct that disrupts the educational process, creates disorder, or damages or destroys private or public property.
- Immediately report student threats to harm others to a teacher, counselor, or school administrator.
- Give their best effort to tasks assigned by their teachers, coaches, or other persons who work with them.

Staff Rights and Responsibilities

School Staff has the right to:

- Expect all students to complete assignments.
- Work in a positive school climate with a minimum of disruptions.
- The support of fellow staff members, administrators and parents.
- Safety from physical and verbal abuse.
- Take action in emergencies to protect their own person and persons in their care.

School Staff has the responsibility to:

- Maintain a professional attitude and behavior toward all students, parents, administrators, teachers and the Board of Education.
- Aid in planning a flexible curriculum which meets the needs of all students and which maintains high standards of academic achievement.
- Maintain an atmosphere conducive to learning with multiple respect and trust with appropriate discipline.
- Follow the policies, rules and regulations adopted by the Board of Education and/or school administration.
- Deal firmly, promptly, and consistently with disruptions or violations of board policy and school procedures, and if necessary, enlist the support of administrators.
- Provide adequate supervision for students in their care.
- Provide a learning environment free from harassment for students.

Parent/Guardian Rights and Responsibilities

Parents/Guardians have the right to:

- Rights as guaranteed by the Family Educational Rights and Privacy Act.
- Expect that any classroom disruptions will be dealt with fairly, firmly, and quickly.
- Access to all school rules and regulations and the consequences for violation of these rules and regulations.
- Participate in meaningful parent-teacher conferences to discuss their child's progress and welfare.
- Expect school personnel to notify parents/guardians of important news, especially as they relate to children.
- Address a question concerning their child to the proper authority and to receive a reply in a reasonable time period.

Parents/Guardians have the responsibility to:

- Accept their own role as the primary educators of their children.
- Instill in their child the values of an education, a sense of responsibility and a sense of respect.
- Understand and support school requirements, rules, and policies and to be knowledgeable of the consequences of violations by students.
- Communicate with their child concerning academic performance and behavior.
- Be familiar with the educational program and procedure.

Breathitt County Facilities

Breathitt County Central Office
420 Court Street/PO Box 750
Jackson, KY 41339
606-666-2491

Breathitt County High School
Principal – Charles Davidson
2307 Bobcat Lane
Jackson, KY 41339
606-666-7511

Sebastian Elementary
Principal – Jeremy R Hall
244 LBJ Road
Jackson, KY 41339
606-666-8894

Highland-Turner Elementary
Principal – Darwin Noble
10355 Highway 30 West
Booneville, KY 41314
606-295-7128

Marie Roberts-Caney Elementary
Principal – Jason Fugate
115 Red Skin Run
Lost Creek, KY 41348
606-666-7775

Breathitt County Area Technical Center
Principal – Joe Mayabb
2303 Bobcat Lane
Jackson, KY 41339
606-666-5153

Breathitt County Regional School
Head Teacher – Elesha Allen
2725 Highway 30 West
Jackson, KY 41339
606-295-2350

Breathitt County Day Treatment Center
Head Teacher – Tim Miller
2665 Highway 30 West
Jackson, KY 41339
606-295-2267

Title I Parent/Teacher/Student Compacts

Compact Agreement: It is a declaration of all parties who sign the receipt of this compact to help each other achieve the mutual objectives below. These are voluntary commitments.

As a Teacher, I promise to...

- believe that each student can learn
- have high expectations for myself, students, and other staff
- demonstrate professional behavior
- have a positive attitude
- come to class prepared to teach
- communicate and work with families to support students' learning
- involve parents in school programs
- provide a safe environment conducive for learning
- enforce school and classroom rules fairly and consistently
- prepare my students to be college and career ready

As a Student, I promise to...

- attend school regularly
- have high expectations for myself
- believe that I can learn and will learn
- ask for help when I need it
- obey the school rules
- come to school prepared
- take pride in my school
- treat adults, fellow students, and school property with respect
- participate in my education

As a Parent/Guardian, I promise to...

- help my child attend school daily and be on time
- have high expectations for my child
- encourage responsibility for my child
- communicate and work with teachers to support and challenge my child
- attend activities and opportunities to help parents become a partner in their child's education
- give praise to my child for hard work
- participate in decision making related to the education of my child

Family Educational Rights and Privacy Act (FERPA)
Notice for Directory Notification

The *Family Educational Rights and Privacy Act (FERPA)*, a Federal law, requires that Breathitt County School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's educational records. However, the Breathitt County School District may disclose appropriately designated "directory information" without written consent unless you have advised the District to the contrary in according with District procedures. The primary purpose of directory information is to allow the Breathitt County School District to include this type of information from your child's educational records in certain school publications. Examples include:

- Graduation programs;
- Annual yearbook;
- Recognition lists; and
- Sports activity sheets.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

In addition, two federal laws require Local Education Agencies (LEA's) receiving assistance under the *Elementary and Secondary Education Act of 1965 (ESEA)* to provide military recruiters, upon request, with the following student information: names, addresses, and telephone listings. This information will be provided to military recruiters unless parents advise the District they do not want their child's information disclosed without their prior written consent. If a parent does not want the Breathitt County School District to disclose directory information from their child's educational record without their prior written consent, the parent must notify the district in writing.

If you do not want the Breathitt County School District to disclose directory information from your child's educational records without your prior consent, you must notify the District in writing within thirty (30) days of the date on the notification letter.

The Breathitt County School District has designated the following information as directory information:

Student's name, address, telephone number, school email address, photograph/picture, date and place of birth, major field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational agency or institution attended.

