



Greenup County Schools

Code of Acceptable Behavior and Discipline

2021-2022

(Rev 7.21)

The Greenup County Board of Education 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.

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 Code standards in a fair manner. Compliance with the standards is necessary to provide:

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

This Code applies to all students in the District while at school, 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. The Superintendent/designee is responsible for its implementation and application throughout the District. The Principal is responsible for administration and implementation of the 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 Code standards in the classroom, halls, and other duty assignment locations.

This code establishes minimum 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.

Students wishing to report a violation of the Code of Acceptable Behavior and Discipline may report it to a classroom teacher, who shall take appropriate action as defined by the code. The teacher shall refer the report to the Principal/designee for further action when the report involved an offense that may warrant suspension or expulsion of a student, any felony offense, or a report that may be required by law, including reports to law enforcement.

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

As required by federal law including Title IX, the District does not discriminate on the basis of race, color, national origin, religion, sex (including sexual orientation or gender identity), disability, genetic information for employees, limitations related to pregnancy, childbirth, or related medical conditions for employees, or age in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

The District's Title IX Equity Coordinator is Scarlet Shoemaker. If you have any questions pertaining to sexual harassment or sexual discrimination, you may contact her at: 45 Musketeer Drive, Greenup, KY 41144. Phone: 606.473.9819. Email: scarlet.shoemaker@greenup.kyschools.us

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 to 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, staff 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 mutual 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.

Notification of FERPA Rights

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 issue 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 disclosure 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, the Kentucky Army National Guard and institutions of higher education.*

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 and institutions of higher education 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 20202-8520

**Consistent with FERPA, parents (or students 18 or older) may direct the District not to disclose certain directory information. Please visit the district website at www.greenup.kyschools.us or the school office to access form 9.14 AP.12 – Student Directory Information Notification. This form can be used to opt-out of student directory information listings. Form 9.14 AP.12 must be returned to the district within 30 days of receipt of this notification or all student directory information will be subject to release without your consent.*

Responses to Student Misconduct

This code is part of the Board of Education's policy on student behavior and discipline. In order to foster a safe, stable and understanding learning environment for all students and staff a planned trauma informed approach shall inform the discipline process (see Board Policy 9.43). State and federal law requires special consideration and possible designation of alternative consequences when dealing with behavior and disciplinary issues involving students with disabilities. The board has included samples of prohibited behaviors and response options to help the reader understand how the behavior standard will be enforced. Other behaviors not included in the examples may also be prohibited.

LEVELS OF MISCONDUCT	EXAMPLES	DISCIPLINARY RESPONSE PROCEDURES	RESPONSE OPTIONS
<p>I. Minor student misbehavior which disrupts classroom procedures or interferes with the orderly operation of the school. Misbehavior which can usually be handled by a staff member but sometimes requires intervention of other school personnel.</p>	<ul style="list-style-type: none"> • Inappropriate dress • Non-defiant failure to complete assignments • Failure to carry out directions • Failure to follow rules • Minor misbehavior on bus, or during school sponsored or endorsed activities • School tardiness 	<p>There is immediate intervention by the staff member who is supervising the student or who observes the misbehavior. Repeated misbehavior requires a parent/teacher contact or conference with the appropriate school staff. Proper and accurate records of offenses and disciplinary actions are maintained by the appropriate staff and/or administrator.</p>	<ul style="list-style-type: none"> • Verbal warning or reprimand • Special assignment • Counseling • Withdrawal of privileges • Detention/ISS/ISI • Individual conference • Parent contact/conference • Confiscation of inappropriate materials • Referral to student support services
<p>II. Student misbehavior which increases in frequency or severity, disrupting classroom procedures or interfering with the orderly operation of the school. Also included in this level are misbehaviors which do not represent a direct threat to health and safety of others, but whose educational consequences require an administrative response.</p>	<ul style="list-style-type: none"> • Continued or repeated Level I offenses • Truancy • Gambling • Using forged notes or excuses • Disruptive behavior • Profanity/vulgarity • Disrespectful Attitude • Possession of pornographic materials 	<p>There is immediate intervention by the staff member who is supervising the student or who observes the misbehavior. Teacher's response includes documentation of misbehavior and notification is sent to administrator. The student is referred to the administrator for appropriate disciplinary action. The administrator meets with the student and/or teacher and effects the most appropriate response. A proper and accurate record of the offense and the disciplinary action is maintained by the administrator.</p>	<ul style="list-style-type: none"> • Continuation of Level I responses • Detention • Parental conference/contact • Referral to outside agency • Counseling • Confiscation of inappropriate materials • Alternative Educational Plan • Suspension • Referral to student support services
<p>III. Acts directed against persons or property but whose consequences do not seriously endanger the health or safety of other in the school.</p>	<ul style="list-style-type: none"> • Continued or repeated Level II offenses • Vandalism • Theft, possession of stolen property • Destruction of school property • Fighting • Threat/intimidation • Use/possession of tobacco products • Harassment • Activating false fire alarm 	<p>The student is referred to administrator for appropriate disciplinary action. The administrator initiates disciplinary action by investigating the infraction and conferring with staff on the extent of the consequences. The administrator meets with the student and notifies the parent about the student's misconduct and resulting disciplinary action(s). School officials will contact appropriate law enforcement agency if necessary.</p>	<ul style="list-style-type: none"> • Continuation of Level I and II responses • Alternative Education Plan • Suspension • Parental conference • Referral to appropriate law enforcement agency • Expulsion • Replacement of damaged property • Referral to student support services
<p>IV. Serious misbehaviors which may result in violence to another's person or property, which pose a direct threat to the safety of others in the school or are a violation of the law.</p>	<ul style="list-style-type: none"> • Continued or repeated Level III offenses • Extortion/robbery • Terroristic threat • Possession/use/transfer of weapons • Assault/battery • Furnishing/selling, possession and/or use of drugs or other controlled substances including alcohol (includes "look alike" substances) • Sex offense • Possession/use of explosive devices 	<p>Administrators are required to follow a set of responses outlined by the Board of Education:</p> <ul style="list-style-type: none"> • Refer to emergency response plan if necessary. • Follow due process as outlined by policy/procedure. • Remove student from the school environment by suspension. Parents/guardians are notified. • Contact appropriate law enforcement agency and assist in prosecuting violator. • Submit a complete and accurate report to the superintendent with possible board action. • Inform the student of assistive programs. 	<ul style="list-style-type: none"> • Parental conference • Saturday school • Suspension from school and/or bus • Alternative Education Programs • Expulsion or other board action which results in appropriate placement • Referral to law enforcement agency • Make restitution for damages • Referral to student support or therapeutic services

Search and Seizure

See Board Policy 09.436

Students have the right to be secure from unreasonable searches of their person and 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 the Code or a school rule or the law. Also, school authorities may conduct general inspections of jointly held property on a regular basis. All searches will be conducted in accordance with Board policy. Students cannot expect complete privacy in their use of school property assigned for their use, such as desks and lockers.

Physical Restraint

See Board Policy 09.433

Employees may use, within scope of their employment, such physical restraint as may be reasonable and necessary to protect themselves, students, or others from physical injury; to obtain possession of a weapon or other dangerous object under the control of a student; or to protect property from serious harm.

Reports to Law Enforcement Officials

KRS 158.154

When the Principal has reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the Principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of the section, "school property: means any public school building, bus, public school campus, grounds, recreational area, or athletic field, in charge of the Principal.

KRS 158.155

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:
 - b. Carrying, possession, or use of a deadly weapon; or
 - c. Use, possession, or sale of controlled substances; or
 - d. 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.

KRS 158.156

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 a written report 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 hours of the original report.

KRS 620.030

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

Weapons

See Board Policy 05.48

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

Passengers/students may not bring firearms or weapons (except archery equipment used in connection with the school archery team), either operative or ceremonial on the school bus. See Board Policy 06.342.

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

Suspension, Expulsion, and Due Process

See Board Policies 09.434; 09.435; 09.431

For certain violations, administrators, such as the Superintendent and Principal, may remove (suspend) a student from school for up to 10 days per incident. Unless immediate suspension is necessary to protect persons or property or to avoid disruption of the educational process, students shall not be suspended until they have been given due process (required by

law). Due process must be given before educational benefits are taken away and shall include:

1. Oral or written notice of the charge(s) against them,
2. An explanation of the evidence, if the student denies the charge(s).
3. An opportunity to present their own version of the facts concerning the charge(s).

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

Following legally required due process, the Board may expel any pupil from the regular school setting for misconduct as defined by law for periods longer than 10 days. In cases of expulsion, provision of educational services will be required unless the Board determines, on the record and supported by clear and convincing evidence, that the expelled student poses a threat to the safety of other students or school staff and cannot be placed in a state-funded program. Action to expel a pupil shall not be taken until the parent of the pupil has had an opportunity for a hearing before the Board.

Grievances

See Board Policy 09.4281

Any student who wishes to express an educational concern or grievance shall observe the following order of appeal: 1. Teacher; 2. Principal; 3. School council; 4. Superintendent; 5. Board.

The order of appeal shall not be construed to mean that students are not free to confer with the Superintendent or Board whenever they so wish. However, if the grievance concerns discipline of an individual student, the Board may, on a case-by-case basis, determine if it will hear the grievance based on whether the facts presented in the written grievance fall within its discretion or authority. If there is a question as to whether the grievance is within the Board's discretion or authority, the Board will consult with legal counsel.

Information on filing a formal complaint or grievance is available at greenup.kyschools.us, at each school and at the Central Office. See Board Procedure 09.4281 AP.1.

Bullying/Hazing

See Board Policy 9.422

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

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior. This policy extends to any/all student language or behavior including, but not limited

to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others. Students who violate this policy shall be subject to appropriate disciplinary action.

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

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

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

Students who believe they have been a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it. Students wishing to report bullying or other code violation of the Code of Acceptable Behavior and Discipline may report it to a classroom teacher, who shall take appropriate action as defined by the Code. The teacher shall refer the report to the Principal/designee for further action when the report involves an offense that may warrant suspension or expulsion of a student, felony offenses, or a report that may be required by law, including reports to law enforcement.

Harassment/Discrimination

See Board Policy 09.4281 and related procedures

Harassment/Discrimination is unlawful behavior based on the race, color, national origin, age, religion, sex (including sexual orientation or gender identity), genetic information or disability involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such a manner as to be commonly understood to convey hatred or prejudice.

A hostile environment is created by harassment/discrimination that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational or work environment.

Grievance procedures may include voluntary informal mechanisms for resolving some types of sexual harassment complaints; however informal procedures will never be utilized for any sexual assault complaint.

The provisions of the 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 or work environment.

Sexual harassment means unwelcome conduct of a sex nature, which can include sex assault, sex violence, sex misconduct, unwelcome sexual advances, requests for sex favors, or other verbal, nonverbal, or physical conduct of a sexual nature. It can include conduct such as touching of a sexual nature; making sexual comments, jokes or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity; or circulating, showing, or creating electronic messages or websites of a sexual nature.

Work day is any day administrators are scheduled to work excluding holidays and school day is any day in the official school calendar. If the alleged victim is a student, school days will be used for the investigating and reporting timeline. If the alleged victim is other than a student, working days will be used for the investigating and reporting timeline.

The School District has jurisdiction over harassment issues, including Title IX, sexual harassment.

Prohibition

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to vendors and visitors to the school who may come into contact with employees and students.

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

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.

Students who believes they or any other student, employee, vendor or visitor is being or has been subjected to harassment/discrimination by anyone under the school's jurisdiction shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports/complaints of harassment/discrimination at the building level. Otherwise, reports/complaints of harassment/ discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports/complaints 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. 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.

Prohibited Conduct

Depending on the circumstances and facts of the situation, and within the definition of

harassment/discrimination, 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;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an individual to believe that he or she must submit to unwelcome sexual conduct in order to not suffer adverse employment action, or that a student must submit in order to not suffer adverse actions regarding participation in school programs or activities;
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 all parties involved. The Superintendent/designee shall evaluate requests of confidentiality.

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/corrective actions to the Superintendent. The Superintendent shall inform the victim and the accused of his/her decision within 30 work days.

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

Failure by an employee, immediate supervisor, Principal, and/or Superintendent to report, notify, and/or initiate an investigation of alleged harassment/discrimination, or to take corrective action shall be cause for disciplinary action.

Counseling

In the event you would like to request or learn more about counseling services, contact the District Title IX Coordinator, Scarlet Shoemaker at 606-473-9819, the school guidance counselor or the District mental health professional.

False Complaints

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

Title IX Sexual Harassment

See Board Policy 09.428111

Title IX Sexual Harassment in educational programs or activities of the District is prohibited. "Title IX Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). For purposes of this definition, "sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent. The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Retaliation Prohibited

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or

refused to participate in any Title IX investigation, proceeding, or hearing.

Damages to School Property

See Board Policy 9.421

Any pupil, organization, or group of pupils participating in activities who destroys, defaces, damages or removes school property shall be subject to disciplinary action and liability for the cost of restoring the property.

Tobacco

See Board Policy 9.4232

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

Use of Alcohol, Drugs/Controlled Substances

See Board Policy 9.423

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

- Alcoholic beverages;
- Controlled drug substances and drug paraphernalia;
- 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.

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under KRS 218A.010. Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

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

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy.

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

Assault and Threats of Violence

See Board Policy 9.425/AP 22

A "threat" shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

Any pupil who threatens, assaults, batters or abuses another pupil shall be subject to appropriate disciplinary action up to and including suspension or expulsion.

Students may also be subject to prosecution or juvenile justice interventions for assault, threats or other abusive conduct. Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action up to and including expulsion from school and/or legal action.

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

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
2. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

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

KRS 508.07 (Terroristic Threatening Second Degree)

1. A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:
 - a) With respect to any scheduled, publicly advertised event open to the public, any place of worship, or any school function, threatens to commit any act likely to result in death or serious physical injury to any person at a place of worship, or any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school-sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons or at a school does not need to identify a specific person or persons or school in order for a violation to occur;
 - b) Makes false statements by any means, including by electronic communication, indicating that an act likely to result in death or serious physical injury is occurring or will occur for the purpose of:
 1. Causing evacuation of a school building, school property, or school sanctioned activity;
 2. Causing cancellation of school classes or school sanctioned activity; or

3. Creating fear of death or serious physical injury among students, parents, or school personnel;

- c) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or
 - d) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.
2. A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.
 3. A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.
 4. Terroristic threatening in the second degree is a Class D felony.
 5. Terroristic threatening in the second degree is a Class C felony when, in addition to the violations above, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

*****POTENTIAL PENALTIES UNDER KRS 532.060 AND KRS 534.030 UPON CONVICTION*****

Please be advised that there are serious penalties for this second degree terroristic threatening offense. Potential penalties for adults convicted of this offense include terms of imprisonment of not less than 1 year nor more than 5 years (Class D felony) or not less than 5 years nor more than 10 years (Class C felony) and a fine of not less than \$1,000 and not greater than \$10,000 as provided in KRS 532.060 and KRS 532.030, respectively.

Juveniles face sanctions that may include fines up to \$500 (KRS 635.085): probation or supervision subject to court imposed conditions and graduated sanctions for violations (KRS 635.060); and more serious sanctions if they have prior adjudications or an offense is determined to involve a deadly weapon. In addition, a court in a juvenile case dealing with charges based on bomb threats or other criminal threats that disrupt school operations may order the child or his or her parent(s) to make restitution caused by the threat to parties such as the District or first responders (KRS 635.060).

Telecommunication Devices

See Board Policy 9.4261

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as

defined by law and other related electronic devices, provided they observe the following conditions:

1. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that:
 - a. Poses a threat to academic integrity, such as cheating;
 - b. Violates confidentiality or privacy rights of another individual. This includes, but is not limited to, taking photographs, video, or audio recordings of others without the permission of the Principal/designee and the affected individual(s). An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena;
 - c. Is profane, indecent, or obscene,
 - d. Constitutes or promotes illegal activity or activity in violation of school rules, or
 - e. Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.

These restrictions shall not be interpreted to prohibit material protected under the state or federal constitutions where such material does not otherwise materially or substantially disrupt the education process or intrude on the rights of others.

2. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned on and operated only before and after the regular school day and during the student's lunch break.
3. When students violate prohibitions of this policy, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to their parent/guardian. A violation also may result in a report being made to law enforcement. In addition, an administrator may confiscate the device, which shall only be returned to the student's parent/guardian.
4. Students are responsible for keeping up with devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property.
5. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication/electronic devices.
6. Students shall not utilize a telecommunication or electronic device in a manner that would violate the District's Acceptable Use policy or procedures or its Code of Acceptable Behavior and Discipline.

Acceptable Use

See Board Policy 8.2323

The District offers students, staff, and members of the community reasonable access to the District's computer network for electronic mail and Internet and expects users to utilize this privilege in an appropriate and responsible manner as required by policy 08.2323 and related procedures. Access is a privilege—not a right. Users are responsible for good behavior on school computer networks. Independent access to network service is given to individuals who agree to act in a responsible manner. Users are required to comply with District standards and to honor the access/usage agreements they have signed. Beyond clarification of user standards, the District is not responsible for restricting, monitoring, or controlling the communications of individuals utilizing the network independently.

Violations of the Acceptable Use Policy include, but are not limited to, the following:

1. Violating State and Federal legal requirements addressing student and employee rights to privacy, including unauthorized disclosure, use and dissemination of personal information
2. Sending or displaying offensive messages or pictures, including those that involve: profanity or obscenity; or harassing or intimidating communications.
3. Damaging computer systems or computer networks, or school/District websites.
4. Violating copyright laws, including illegal copying of commercial software and/or other protected material.
5. Using another user's password, "hacking" or gaining unauthorized access to computers or computer systems, or attempting to gain unauthorized access;
6. Trespassing in another user's folder, work, or files
7. Intentionally using electronic media unrelated to job performance, including downloading of freeware or shareware programs.
8. Using the network for commercial purposes, financial gain or any illegal activity.
9. Using technology resources to bully, threaten or attack a staff member or student or to access and/or set up unauthorized blogs and online journals,

Additional rules and regulations may be found in the schools' handbooks and on the district website.

Violations of these rules and regulations may result in loss of access/usage as well as other disciplinary or legal action per KRS 434.840-434860 and KRS 512.020.

Policy information listed in this document may be excerpts of Board policies, and not policies in their entirety. For access to complete and/or updated board policies and related administrative procedures, visit the district website at www.greenup.kyschools.us. Click on "Board of Education", then "Board Policies and Procedures". Board policies may also be accessed at the Board of Education, 45 Musketeer Drive, Greenup, KY 41144