

MARSHALL COUNTY SCHOOLS
CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

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NONDISCRIMINATION POLICY STATEMENT

The Marshall County Board of Education does not discriminate on the basis of sex in the educational programs or activities that it operates, and is required by Title IX of the educational amendments of 1972 (P.L. 92-318), not to discriminate in such a manner. Further, the Board of Education does not discriminate on the basis of handicap, in treatment, admission or access to, or employment in, its programs or activities as required by the Rehabilitation Act of 1973 (P.L. 93-112), as amended, Section 504, nor does the Board of Education discriminate on the basis of race, color, national origin, as required by Title VI of the Civil Rights Act of 1964, nor does the Board of Education discriminate on the basis of sex, age, religion or marital status in the educational programs or activities it operates.

***NEW* BAG POLICIES FOR ALL SCHOOLS**

Students in grades 6-12 will not be allowed to carry book bags. Personal bags such as purses and laptop carriers should only be used for their specific purposes (i.e. no binders, books, notebooks, etc. should be in these bags; only personal items in purses and laptops in laptop bags, etc.). Sports bags will be allowed and will be required to pass through metal detectors. They are subject to search. Elementary students will be allowed to carry clear or mesh backpacks. Individual accommodations will be made for students with special needs.

CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

PURPOSE

The purpose of this handbook is to provide a concise outline of rights and responsibilities of students in the Marshall County Schools and those people, including parents/guardians and school personnel, directly involved in the education process.

POLICY STATEMENT

The Board of Education's primary concern is that students who wish to learn can do so in an environment conducive to learning, and that disciplinary means be employed on behalf of those who would destroy or deny such an environment.

This Code of Acceptable Behavior and Discipline provides for consistent and equitable treatment for all students in the Marshall County Public Schools. Students will be responsible for adherence to this Code in school, at school-

sponsored or related activities, on school buses, and at any extra or co-curricular activities at or away from school.

This Code provides for an annual service by the school community and the Board of Education to ensure an effective document which meets the changing needs of the total educational community.

This Code provides everyone with the opportunity to know the basic procedures which will be followed in disciplinary matters and the means and explanations of each.

KRS 161.180 SUPERVISION OF PUPILS' CONDUCT

- (1) Each teacher and administrator in the public schools shall, in accordance with the rules, regulations and bylaws of the Board of Education, made and adopted pursuant to KRS 160.290 for the conduct of pupils, hold pupils to a strict account for their conduct on school premises, on the way to and from school, and on school sponsored trips and activities.
- (2) The various boards of education of the Commonwealth of Kentucky and the principals of the public schools may use teacher's aides in supervisory capacities, such as playground supervision, hallway supervision, lunchroom and cafeteria supervision, and other like duties, including, but not limited to, recreational activities and athletic events, relating to the supervision and control of the conduct of the pupils; and while so engaged, such teacher's aides shall have the same authority and responsibility as is granted to and imposed by law upon teachers in the performance of the same or similar duties.

RIGHTS AND RESPONSIBILITIES

A. STUDENTS

1. STUDENTS HAVE THE RIGHT TO:

- a. a system of public education which meets the needs of the individual student,
- b. reasonable and timely notice of all rules, regulations, policies and penalties to which they may be subject,
- c. physical safety and protection of their personal property,
- d. consultation with teachers, counselors, administrators and other school personnel,
- e. free election of their peers in student organizations in which students have the right to seek and hold office,
- f. examination by themselves, their parents/guardians or their

- authorized representatives of their own personal school records,
- g. involvement in school activities without being subject to discrimination on the basis of race, sex or religion,
 - h. respect and courtesy from other students and school personnel, and
 - i. presentation of complaints or grievances to school authorities and receipt of authoritative replies from school officials regarding the disposition of their complaints or grievances.

2. EACH STUDENT HAS THE RESPONSIBILITY TO:

- a. be accountable for his/her own conduct and for showing consideration for the rights and property of others, and to at all times treat teachers, school administrators, and other district personnel with courtesy and respect,
- b. exhibit neatness and cleanliness of personal attire and hygiene,
- c. refrain from fighting, creating disturbances, excessive noise, abusive language, denying others the use of school facilities or buildings, using or carrying any weapon on school premises or at school activities, intentionally injuring another person or exposing others to harm, or using threats or intimidation against any other person,
- d. refrain from gambling, extortion, theft or any other unlawful activity,
- e. refrain from using or possessing any tobacco products in Marshall County Schools or using, possessing or transmitting any alcoholic beverages or illegal or controlled substance,
- f. show respect for the education process by taking advantage of every opportunity to further his/her education,
- g. show respect for the education process and learning environment by refraining from intentional or habitual tardiness or unexcused absence,
- h. practice self-control at all times,
- i. care for the equipment and physical facilities of the school by refraining from willful destruction and damage, and
- j. follow the rules and regulations of the Board of Education and/or the school administration.

B. PARENTS AND GUARDIANS

1. PARENTS/GUARDIANS HAVE THE RIGHT TO:

- a. send their child to school with an environment where learning is valued,
- b. expect that classroom disruptions will be dealt with fairly, firmly and quickly,
- c. enroll students in the Marshall County School District where they shall attend classes regularly and promptly with minimal interruption,
- d. expect the school to maintain high academic standards,
- e. review the student's academic progress and other pertinent information which may be contained in the student's personal records, and
- f. respect and courtesy from school personnel.

2. PARENTS/GUARDIANS HAVE THE RESPONSIBILITY TO:

- a. instill in their children the values of an education,
- b. instill in their children a sense of responsibility,
- c. instill in their children a sense of respect,
- d. understand that unnecessary interruptions in the school are detrimental to the educational programs for all students,
- e. be familiar with the educational programs and the procedures,
- f. inform children about the disciplinary procedures of the school and emphasize the importance of following same,
- g. see that children attend school regularly and promptly,
- h. check with the proper school officials regarding the facts of any situation that they might have question,
- i. support the efforts of the school personnel,
- j. demonstrate respect and courtesy for the teachers, administrators and school personnel at school and at all school-related activities, and
- k. see that students exhibit neatness and cleanliness in their personal attire and hygiene.

C. TEACHERS

1. TEACHERS HAVE THE RIGHT TO:

- a. the support of co-workers, administrators and parents,

- b. work in an educational environment with a minimum of disruptions,
- c. expect all assignments, including homework, to be completed and turned in as assigned,
- d. remove any student from class whose behavior significantly disrupts a positive learning environment, for no more than one class period, during which time the student will be in the office or other designated area,
- e. safety from physical harm and freedom from verbal abuse,
- f. provide input to aid in the formulation of policies that relate to their relationships with students and school personnel,
- g. take action, necessary in emergencies, to protect their own person or property or the property of those in their care, and
- h. respect and courtesy from parents and other members of the public visiting schools, school facilities, and extra curricular events.

2. TEACHERS HAVE THE RESPONSIBILITY TO:

- a. present subject matter and experiences to students and to inform students and parents or guardians of achievement and/or problems,
- b. aid in planning a flexible curriculum which meets the needs of all students and which maintains high standards of academic achievement,
- c. assist in the administration of such discipline as is necessary to maintain order throughout the school without discrimination on any basis,
- d. evaluate students' assignments and return them as soon as possible,
- e. exhibit exemplary behavior in action and speech,
- f. exhibit neatness and cleanliness of personal dress and hygiene,
- g. reward exemplary behavior or work of students,
- h. maintain an atmosphere conducive to good behavior and to exhibit an attitude of respect and courtesy for students, parents, and other members of the public,
- i. recommend for retention in a class any student who fails to meet the basic standards of such class (at appropriate grade level),
- j. maintain necessary records of student progress and attendance as accurately as possible,
- k. follow and enforce rules and regulations by the Board of Education

and/or school administration,

- l. care for the equipment and physical facilities of the school, and
- m. inform parents/guardians of students' successes, problems or failures promptly.

D. PRINCIPALS

1. PRINCIPALS HAVE THE RIGHT TO:

- a. the support of the students, parents and teachers in carrying out the educational programs and policies established by the school system,
- b. provide input for the establishment of procedures and regulations that relate to the school,
- c. safety from physical harm and verbal abuse,
- d. to take necessary action in emergencies to protect their own person or property, or the persons or property of those in their care,
- e. suspend any students whose conduct disrupts the educational process,
- f. administer the school environment to provide the proper learning atmosphere, and
- g. respect and courtesy from parents and other members of the public.

2. PRINCIPALS HAVE THE RESPONSIBILITY TO:

- a. create and foster an atmosphere of mutual respect, courtesy, and consideration among pupils, staff members, parents, and other members of the public,
- b. administer discipline fairly and equally, following the guidelines set forth herein, but in doing so, use their own best judgment,
- c. exhibit exemplary behavior in action, dress and speech,
- d. implement and evaluate all aspects of the educational program to improve learning and comply with the policies, regulations, procedures or laws of the district, state and nation, and
- e. direct a program of dissemination of information explaining the **Code of Acceptable Behavior and Discipline** to the school community.

E. DUE PROCESS

KRS 158.150 SUSPENSION OR EXPULSION OF PUPILS

1. ALL PUPILS ADMITTED TO THE COMMON SCHOOLS SHALL COMPLY WITH THE LAWFUL REGULATIONS FOR THE GOVERNMENT OF THE SCHOOLS:
 - A. WILLFUL DISOBEDIENCE OR DEFIANCE OF THE AUTHORITY OF THE TEACHERS OR ADMINISTRATORS, USE OF PROFANITY OR VULGARITY, ASSAULT OR BATTERY OR ABUSE OF OTHER STUDENTS, THE THREAT OF FORCE OR VIOLENCE, THE USE OR POSSESSION OF ALCOHOL OR DRUGS, STEALING OR DESTRUCTION OR DEFACING OF SCHOOL PROPERTY OR PERSONAL PROPERTY OF STUDENTS, THE CARRYING OR USE OF WEAPONS OR DANGEROUS INSTRUMENTS, OR OTHER INCORRIGIBLE BAD CONDUCT ON SCHOOL PROPERTY, AS WELL AS OFF SCHOOL PROPERTY AT SCHOOL-SPONSORED ACTIVITIES, CONSTITUTES CAUSE FOR SUSPENSION OR EXPULSION FROM SCHOOL; AND
 - B. ASSAULT OR BATTERY OR ABUSE OF SCHOOL PERSONNEL; STEALING OR WILLFULLY OR WANTONLY DEFACING, DESTROYING OR DAMAGING THE PERSONAL PROPERTY OF SCHOOL PERSONNEL ON SCHOOL PROPERTY, OFF SCHOOL PROPERTY OR AT SCHOOL-SPONSORED ACTIVITIES, CONSTITUTES CAUSE FOR SUSPENSION OR EXPULSION FROM SCHOOL.
2. A pupil shall not be suspended from the common schools until after at least the following due process procedures have been provided:
 - a. The pupil has been given oral or written notice of the charges against him/her which constitute cause for suspension;
 - b. The pupil has been given an explanation of the evidence of the charge or charges if the pupil denies them; and
 - c. The pupil has been given an opportunity to present his/her own version of the facts relating to the charge or charges. The due process procedures shall precede any suspension from the common schools unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases, the due process procedures outlined above shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.
3. The superintendent, principal, assistant principal or head teacher of any school may suspend a pupil but shall report such action in writing immediately to the superintendent and to the parent, guardian or other person having legal custody or control of the pupil. The Board of Education of any school district may expel any pupil for misconduct as

defined in subsection (1) of this section, but such action shall not be taken until the parent, guardian or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the Board. The decision of the Board shall be final.

4. While a student is serving a suspension or expulsion, the student may not participate in or attend any extra-curricular or co-curricular activities, and is not allowed on campus without prior approval of the school principal.

F. GRIEVANCE PROCEDURE

Parents/guardians desiring to question actions taken by school personnel *shall* follow this procedure:

1. If the problem is related to the classroom, the parents/guardians will contact the principal/counselor to arrange a conference with the classroom teacher as soon as possible to discuss the problem.
2. If this conference does not resolve the situation, the teacher and parents/guardians will arrange for a conference with the principal or his/her designee with a minimum of delay.
3. If the problem is not related to the classroom, the parents/guardians will contact the principal directly.
4. If none of the above procedures result in a satisfactory solution to the problem, the parents/guardians shall state their complaint in writing and may request a conference with the superintendent or his designee.
5. During this conference either party may have present individuals having knowledge relative to factors involved. The other party shall be notified in advance if such persons are to be present.
6. The superintendent or his designee will advise the parents/guardians in writing of the disposition within fourteen (14) days after the conference.
7. Within fourteen days (14) of receiving the Superintendent's decision, the parents/guardians may appeal in writing to the superintendent who will arrange a meeting with the Board of Education if the parents/guardians are not satisfied with the decision of the superintendent or his designee.

G. DISCIPLINE OF STUDENTS

The Marshall County Board of Education, pursuant to its authority and duty to promulgate rules and regulations for the effective administration of schools, establishes the following procedures which are to ensure against unfair and mistaken findings of misconduct and prevent unwarranted disciplinary action by administrative personnel.

1. A student shall be given a chance to explain his/her side of the controversy prior to receiving punishment.
2. Abide by KRS 158.150 (suspension or expulsion of pupils).

3. No student shall be dismissed from school for more than ten (10) days except upon the recommendation of the superintendent and unless the student and his/her parent or guardian have been furnished with a statement in writing specifying in detail the violation or misconduct of the student, and an explanation of the evidence against the student.

The statement shall be signed by the superintendent and shall name a date and place at which the student may appear before the Board of Education to respond to the charge. The date of the hearing shall be as soon as practical following the mailing of the notice to the parent or guardian of the student. The student or his/her parent or guardian shall notify the Board of his/her intention to appear and answer the charges and upon failure of the student or his/her parent or guardian to give the notice, the Board may act upon the superintendent's recommendation by a majority vote and the suspension/expulsion shall not be subject to further administrative review.

Should the student or his/her parent or guardian desire to be heard on the charge, the Board shall summons such witnesses as may be necessary for determination of the issues involved. The issue shall be public or private at the discretion of the student or his/her parent or guardian. The student may be represented by counsel and may present witnesses to testify in his/her behalf. Upon completion of both sides of the issue, the Board may, by majority vote, take such action as in its opinion shall be appropriate.

4. The Marshall County Board of Education established a District Disciplinary Committee for the purpose of student hearings. Students may appear before the District Disciplinary Committee for misbehavior and conduct as described in this document. Students will have the same rights as stated above. All decisions of the District Disciplinary Committee are final unless appealed. If the student or parent disagrees with the decision rendered by the District Disciplinary Committee, then they may appeal that decision and request a hearing before the Marshall County Board of Education.
5. Students attending school-sponsored activities shall conduct themselves in an appropriate manner at all times as deemed acceptable by the chaperones, faculty and administration present at the school-sponsored activity. Any violation of guidelines set forth in the Marshall County Schools Code of Acceptable Behavior and Discipline will be dealt with accordingly, and students may be banned from the school-sponsored activity for a period of one year.

H. CORPORAL PUNISHMENT

Corporal punishment has been reinstated in the Marshall County School System according to the following guidelines:

The Board authorizes each school to determine whether corporal punishment shall be utilized as a disciplinary measure at that school. In SBDM schools, the school council shall make the determination; in other schools, a committee

appointed and chaired by the principal shall make the decision.

Definition

Corporal punishment shall refer to the deliberate infliction of physical pain by any means upon the whole or any part of a student's body as a punishment or penalty for misbehavior.

Application

Corporal punishment shall be administered by striking the student's buttocks with a paddle. No other form of corporal punishment may be administered.

Use of Physical Restraint

Employees may use, within the 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.

Required Parental Permission

Written parental permission to administer corporal punishment shall be on file in the school office prior to the administration of corporal punishment on the student. If parental permission is not on file, other appropriate punishment shall be administered in lieu of corporal punishment.

Parental Notification

Within one (1) school day of the occurrence, the principal or designee shall notify the student's parents in writing that corporal punishment has been administered on their child. This notification shall be sent by certified mail, return receipt required.

Who Can Administer

Corporal punishment may be administered by a certified staff member, but only in the presence of two (2) other certified employees.

The staff member who administers corporal punishment shall be the same gender as the student being punished. In elementary school only, if a certified employee of the same gender as the student being punished is not assigned to the school; either the person who administers corporal punishment or a witness shall be the same sex as the student.

Witnesses Informed

Both official witnesses shall be informed beforehand and in the student's presence of the reason for the punishment.

Pupil Given Reason

Prior to punishment, and in the presence of the witnesses, the student shall

be informed of the reason for the punishment and permitted to give his/her account of the incident or infraction.

Other Pupils Not Present

Corporal punishment shall not be administered in the presence of other students.

Last Resort

Corporal punishment is a last resort to be utilized only after other disciplinary means have been tried and found to be ineffective. Prior to exhibiting the misbehavior resulting in corporal punishment, the student shall have been made aware that the misbehavior could result in corporal punishment.

Not Excessive

Corporal punishment shall not be excessive or unreasonable. Among the factors to be considered shall be the age, size and health of the student.

Required Records

Each use of corporal punishment shall be documented by a written record that includes the student's name, age, gender, race, educational status and required parental permission; the name and the gender of the person administering the punishment; and the names and gender of witnesses. The written record shall also include a complete description of the circumstances requiring this punishment, including the misbehaviors for which the punishment was administered, the severity of the punishment recorded by the number of strikes administered, a listing of previous misbehaviors of the student and the intervention utilized to correct the misbehaviors preceding corporal punishment and all previous attempts to work with the student, parents and school staff prior to this incident. The certified employee, who administers the punishment, as well as the official witnesses, shall provide written verification of this information.

The records required to document the administration of corporal punishment also shall include forms required by the U.S. Office of Civil Rights for students receiving corporal punishment.

Each school shall maintain a list of students who have received corporal punishment in that school during the current school year. A list of the names of all students who have received corporal punishment in district schools during the current school year shall be maintained in the Central Office.

Records Disposition

Complete required records of corporal punishment shall be maintained in the school and the District Central Office for three (3) years. A complete copy of

these records shall be forwarded to parents and the Kentucky Department of Education as required by statute and regulation.

Behavior Plan

Each student who receives corporal punishment two (2) or more times during a school year shall be provided a written behavior improvement plan. This plan shall have the goal of eliminating the future necessity for corporal punishment of that student. The behavior improvement plan shall be developed with input from the student, teachers, parents and other professionals as needed.

Students with Disabilities

In cases which involve students with disabilities, the procedures mandated by federal and state laws shall be followed.

I. BUS DISCIPLINE

Student conduct on school buses, as a part of the school environment, follows all the requirements and provisions as outlined in the Code. Disciplinary action removing a student's privilege to ride a school bus must be a result of multiple infractions or behavior serious enough to warrant suspension from riding the bus, suspension from school or both.

The bus driver shall be responsible for the orderly conduct of the students. While on the bus the students are under the authority of, and directly responsible to, the driver and the bus attendant.

702 KAR 5:070 Section 24: If a pupil's conduct on the bus is such that it endangers the lives or morals of the other people on the bus and make it unsafe for the bus to continue on its route, and when requested by the driver to desist from such conduct and the pupil does not comply, it shall be the duty of the driver to order the pupil to leave the bus. Should the order be ignored, the driver shall eject the pupil from the bus or send for assistance, whichever the circumstances dictate. Ejecting a pupil from the bus shall be done only in the most extreme circumstances. When ejection from the bus is required, the driver shall notify the principal of the school where the pupil attends, the district superintendent and some other school authority of the action taken as soon as possible.

The driver shall have the authority to assign a pupil to a specific seat on the school bus.

Any violation of the bus rules and regulations stated in the Code of Acceptable Behavior and Discipline may result in the suspension of the bus riding privileges, suspension from school, or both, or a recommendation from the principal to the superintendent for expulsion from school.

STUDENTS VIOLATING BUS RULES OR DEFYING THE AUTHORITY OF THE BUS DRIVER MAY BE REFERRED TO THE PRINCIPAL'S OFFICE.

1st Offense: Unless the offense is of a violent nature, the disciplinary procedure will be handled in the building by the principal or assistant principal. Parents will be notified.

2nd Offense: The student may be suspended from riding the bus for a period of from 3 to 5 days.

3rd Offense: The student may be suspended from riding the bus for ten (10) days or the remainder of the semester, whichever is greater.

Preschool children being transported to and from school will have a responsible person on the bus to supervise them.

The following rules apply:

THERE SHALL BE NO:

¥ animals

¥ glass containers

¥ unnecessarily loud noise, talking, or laughing

¥ open and persistent defiance/disobedience or impudence toward the driver or other school personnel

¥ vandalism or tampering with, or damaging equipment

¥ hanging out of windows or moving about while the bus is in motion.

¥ harassing/disturbing others (such as striking, shoving, kicking, annoying, alarming, destroying property, etc.)

¥ eating, drinking, smoking/use of tobacco, spitting, littering on bus

¥ fighting

¥ toys

¥ electronic devices (radios, electronic games, etc.)

¥ items allowed on the bus that cannot be held in the lap, placed under the seat, or that block the aisles (flags, band rifles, large band instruments, etc.)

¥ profanity, obscenity

¥ creating fire hazards (such as striking matches, smoke bombs, fireworks, etc.)

¥ disorderly boarding and unloading procedures (such as pushing, shoving, tripping, etc.)

¥ throwing objects at, on or off the bus

The students must remain seated and obey driver and bus attendant.

Students who create a dangerous or disruptive situation may be suspended from school. The due process procedures that should be followed for short-term suspension (no more than 10 days) are the same for all students and are outlined in KRS 158.150.

J. STUDENTS WITH DISABILITIES

The behavior of students with disabilities and students who have been

referred for evaluation for suspected disabilities should be considered during the initial Admissions and Release Committee (ARC) meetings. Behavioral interventions, treatment and consequences should become a part of the Individual Education Program for that student. Should these interventions prove unsuccessful, as evidenced by misconduct of the student, the issue should be brought to the appropriate ARC to make changes in the student's program which might result in more appropriate behaviors. (707 KAR 1:30, secs. 10, 11, 12, 13, 14)

In deciding *Kaelin v. Grubbs* (June 9, 1982), the Sixth Circuit Court of Appeals has outlined general standards governing the suspension and expulsion of students with disabilities in Kentucky, Ohio and Michigan. These standards should be followed when local districts develop disciplinary measures for students with a disability:

1. A student with a disability may be suspended temporarily without change of placement procedures (KRS 158.150 and OAG 78-637 outlined due process requirements which must be followed in suspension of all children).
2. A student with a disability may be expelled as long as appropriate Admission and Release Committee procedures are followed with a committee manifestation determination that the child's disruptive behavior was not a result of the disability.
3. A student with a disability may not be expelled if the committee determines that the child's disruptive behavior was a result of the disability.
4. Even if the child is expelled through the appropriate procedures, there must not be a complete cessation of education services. Therefore, if a student with a disability is expelled, alternative services must be provided.

K. SEARCH AND SEIZURE

Lockers and property of the school are subject to the Board of Education's regulations and supervision. Locker inspections or searches are not carried out as a harassment technique but as a duty when the health, safety or welfare of students is involved. In a search and seizure situation, the following procedures shall be followed:

1. A student may be searched if there are reasonable grounds for suspecting that the search will *reveal* evidence that the student has violated either the law or the rules of the school. A particular student's effects also are subject to being searched by school officials and are subject to the same rule. Effects include automobiles located on school property.
2. The scope of the search is to be related to the objectives of the search and not excessively intrusive in light of the student's age, sex and the nature of the infraction.

3. If the school official concludes a more intrusive search (i.e., a strip search) is needed, he/she shall call the student's parents and report their suspicions to the law enforcement officials who shall be responsible for conducting the search. School officials will not conduct strip searches of students.
4. Illegal items (weapons, firearms, etc.), contraband or other possessions reasonably determined by the proper school authorities to be a threat to the student's safety or violation of school policy shall be seized by school officials.
5. Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the student's possession by a staff member. These items may be returned to the student, or the student's parent/guardian, by that staff member or through the office.
6. A general inspection of school properties such as lockers, desks, etc. may be continued on a regular basis. During these inspections, items which are school property may be collected (example: overdue library books).
7. All items which have been seized will be turned over to proper authorities or returned to the owner, depending on the situation. The student will have the opportunity to be present when a search of personal possessions is to be conducted unless: (1) the student is absent from school, or (2) school authorities decide that the student's presence could endanger the student's health and safety.

L. MARSHALL COUNTY SCHOOLS ATTENDANCE POLICY

***High school students please read your handbook regarding the No Pass No Drive statute. If you have 9 unexcused absences in one semester, your license will be suspended until you have completed a full semester without 9 unexcused absences.**

Philosophy

The success students achieve in school is directly related to their punctuality and regularity of attendance. Regular attendance in class is necessary if students are to receive the maximum benefit from the teacher's instruction and class discussion. All students are expected to attend class every day that school is in session.

Kentucky Compulsory Attendance Laws

Except as provided in KRS 159.030, each parent, guardian or other person

residing in the state and having custody or charge of any child between the ages of six (6) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session.

704 KAR 5:060 Section 1

Any five (5) year old child not otherwise subject to compulsory attendance laws, but who voluntarily enrolls in the primary school program at the beginning of the school year, may upon parent's or guardian's written request be withdrawn the first two (2) school calendar months. At the end of such trial period of time such a child shall be considered irrevocably entered into the primary school program for purposes of KRS 159.020.

KRS 159.180 (Parent's Responsibility)

Every parent, guardian or custodian of a child residing in any school district in this state is legally responsible for any violation of the compulsory attendance laws by the child.

KRS 159.150 (Truancy)

Any child who has been absent from school without valid excuse for **three** (3) or more days, or tardy on **three** (3) or more days, is truant. Any child who has been reported as truant two (2) or more times is a habitual truant.

Educational Enhancement Opportunity

Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. This opportunity may include, but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

Unless the school principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted. The principal's determination may be appealed to the superintendent or his designee whose decision may then be appealed to the Board of Education under its grievance policy and procedures.

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

Requests for the principal's consideration shall be made and approved by the principal at least five days in advance of the absences.

School Attendance Policy

The following provisions apply to all Marshall County students:

EXCUSED ABSENCES

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

1. Death in the pupil's immediate family
2. Illness of the pupil
3. Religious holidays
4. Appointment with a doctor or dentist, ONLY for that period of time for which the appointment is scheduled. (To receive an excused absence, the student shall present a statement from the doctor upon his/her return to school)
5. A pupil whose physical or mental condition prevents or renders inadvisable attendance at school or application to study, SUPPORTED BY A DOCTOR'S STATEMENT.
6. Documented, required court appearances
7. Driver's test for the time period for which the test has been scheduled.
8. Failure of bus to run
9. One (1) day for attendance at the Kentucky State Fair
10. Other valid reasons as determined by the school administrator.
11. One (1) excused absence per occurrence of head lice; not to exceed three (3) per school year

ALL ABSENCES FROM SCHOOL SHOULD BE EXCUSED ABSENCES. FOR ALL FULL OR PARTIAL DAYS MISSED IN EXCESS OF SIX (6), A DOCTOR'S STATEMENT OR OTHER FORM OF VALID DOCUMENTATION IS REQUIRED UPON THE STUDENT'S RETURN TO SCHOOL. A MAXIMUM OF SIX ABSENCE EVENTS (OF FULL OR PARTIAL DAYS) WILL BE EXCUSED WITH A WRITTEN PARENT NOTE OR PARENT CALL-IN. AFTER TEN (10) ABSENCES THE MEDICAL EXCUSE FORM MUST BE FILLED OUT BY A DOCTOR OR ARNP AND RETURNED TO THE SCHOOL EACH TIME OR THE ABSENCE WILL NOT BE EXCUSED.

UNEXCUSED ABSENCES

All other absences including suspension from school shall be considered unexcused. No make-up work shall be allowed for unexcused absences. Using the Code of Acceptable Behavior and Discipline and school board

policy, the principal or designee shall determine whether an absence is excused or unexcused.

NOTIFICATION

On any day a student is to be absent from school, parents are asked to call the school office before 11:00 a.m. to report the absence and the reason(s) for the absence. Only six call-ins/notes per year (for full or partial days) will be entered as excused absences.

Parents will be notified by letter or phone call upon a student's third (3) and sixth (6) unexcused absence. Court proceedings will begin upon the ninth (9) unexcused absence.

MAKE-UP WORK

It is the student's responsibility to make arrangements with each teacher to make up work missed during excused absences. Unless the principal and Director of Pupil Personnel determine there are extenuating circumstances, the student shall be permitted one (1) school day to complete make-up work for each day of excused absence.

STUDENTS MAY NOT MAKE UP WORK IF THEY ARE TRUANT OR SUSPENDED FROM SCHOOL.

M. DISCIPLINARY PROCEDURES

The disciplinary measures set out under each procedure may be applied singularly or in combination.

Being an accomplice or otherwise a participant may result in disciplinary measures being applied to the same extent as if being the primary offender in the misconduct.

The following rules, regulations and procedures in no way attempt to replace or remove routine classroom discipline from the teachers of Marshall County Public Schools.

Teachers will still have at their disposal disciplinary measures such as detention or conferences with students and/or parents/guardians, as described in Board Policy, to be used at the discretion of the teacher.

This section of the Code contains a description of discipline procedures that will be used by principals in administering the Code. This is followed by a definition of the most common rule infractions. Listed under each rule infraction are discipline procedures for offenses. The imposition of a penalty is mandatory.

THERE ARE CERTAINLY OTHER ACTS OF MISBEHAVIOR OR VIOLATIONS OF CRIMINAL LAW OR SCHOOL REGULATIONS THAT ARE NOT INCLUDED IN THIS LIST. IN SUCH INSTANCES, DISCIPLINARY ACTION WILL BE AT THE DISCRETION OF THE PRINCIPAL, OR THE PRINCIPAL AND THE SUPERINTENDENT.

DISCIPLINARY ACTIONS THAT MAY BE TAKEN

School personnel involved in disciplinary proceedings will have three areas from which to choose when administering disciplinary action. These three areas are defined as follows:

THESE OPTIONS DO NOT NECESSARILY HAVE TO BE FOLLOWED IN THE ORDER LISTED.

LEVEL I

The principal or his/her head teacher shall confer with the student/parties concerned as soon as practical and choose any or all of the following options:

OPTIONS:

- a. Verbal warning.
- b. Loss of privileges.
- c. Student may be placed on formal probation/isolation.
- d. Assignment of written punishment (theme or research).
- e. Suspend the student for no more than three (3) school days or until parent/guardian conference.
- f. Notify parent/guardian by phone, letter or message.
- g. Notify superintendent or his designee.
- h. Placement in an alternative classroom or in-school suspension.
- i. Placed in in-school or after school detention.

Level II

The principal or his/her head teacher shall confer with student/parties concerned as soon as practical and choose any or all of the following options:

OPTIONS:

- a. Notify parent/guardian by phone, letter or message.
- b. Student may be placed on probation.
- c. Suspend the student for no more than ten (10) days.
- d. The principal or designee may sign a petition/warrant when a Kentucky Revised Statute is violated and refer to proper law enforcement authorities.
- e. In extreme cases, the principal may present a recommendation to the superintendent for presentation to the District Disciplinary Committee for a student hearing. The hearing shall be held as soon as practical after the date

of suspension.

- f. In extreme cases, the principal may present a recommendation to the superintendent for presentation to the Board of Education that the student be expelled for the remainder of the current semester. No student shall be expelled without a hearing before the Board of Education. The hearing shall be held as soon as practical after the date of the suspension. The Board of Education and Superintendent may also direct placement of a student to Second Chance School without an accompanying recommendation for expulsion.
- g. Notify superintendent or his/her designee, Director of Pupil Personnel.
- h. Placement in the alternative classroom or in-school suspension.
- i. Refer to mental health for evaluation and treatment.
- j. If a student is expelled, he/she may be given the opportunity to attend the Second Chance School.
- j. Exclusion from participation in graduation/promotion exercises.

Level III

The principal or his/her head teacher shall confer with student/parties concerned as soon as practical and choose any or all of the following options.

OPTIONS:

- a. Notify parent/guardian immediately by phone, letter or message.
- b. Refer to proper law enforcement authorities. The principal or designee may sign a petition/warrant when Kentucky Revised Statute is violated.
- c. Suspend the student for no more than ten (10) days.
- d. Present a recommendation for presentation to the District Disciplinary Committee for a student hearing. The hearing shall be held as soon as practical after the date of suspension.
- e. Present a recommendation for expulsion to the Board of Education that the student be expelled for a period of up to one year. No student shall be expelled without a hearing before the Board of Education. The hearing shall be held as soon as practicable after the date of the suspension. The Board of Education and Superintendent may also direct placement of a student to Second Chance School without an accompanying recommendation for expulsion.
- f. Notify superintendent or his/her designee, Director of Pupil Personnel, and other appropriate persons.
- g. If a student is expelled he/she may be given the opportunity to attend the

Second Chance School.

- h. Exclusion from participation in graduation/promotion exercises.

The Marshall County Board of Education recognizes that certain infractions contained herein, in addition to being violations of the Code of Acceptable Behavior and Discipline, are also violations of Kentucky criminal law. When such violations occur, it is the responsibility of school district personnel to report these violations to the proper law enforcement officials. Also, acts which are interpreted by school officials as violations of local law may be reported to the local law enforcement agency.

CONDUCT WARRANTING DISCIPLINARY ACTION

1. AGGRESSIVE MISBEHAVIOR

Physical contact or threat of physical contact toward a student or school employee with the intention of doing bodily harm by a student or group of students.

Level I, II or III

2. ARSON (or attempted arson) (KRS 513.010)

Starting a fire within the school or on the school grounds, for any purpose that results in destruction or disruption.

Level III

3. BOMB THREAT

Making a threat that a bomb has been placed, or is about to explode in a school.

Level III

4. BULLYING/HAZING

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

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, or at a school sponsored activity, which acts are repeated against the same student over time.

ACTIONS NOT TOLERATED

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 disrupt the education process or intrude upon the rights of others.

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

Level I, II or III

5. **BURGLARY**

A person is guilty of burglary when:

- a. with the intent to commit a crime, he/she knowingly enters or remains unlawfully:
 1. in a dwelling.
 2. in a building, and when in effecting entry or while in the building or in the immediate flight therefrom, or another participates in the crime:
 - (a) is armed with explosive or a deadly weapon; or
 - (b) causes physical injury to any person who is not a participant in the crime; or
 - (c) uses or threatens the use of a dangerous instrument against any person who is not a participant in the crime.
- b. with the intent to commit a crime, he/she knowingly enters or remains unlawfully in an inhabited building.
- c. with the intent to commit a crime, he/she knowingly enters or remains unlawfully in an uninhabited building.

Level II or III

6. **COMPUTER TAMPERING**

Deliberately damaging computer hardware or software, or deliberately tampering with the hardware or software so as to make the computer or software programs difficult or impossible to operate.

Level I, II or III

7. **CRIMINAL TRESPASS (KRS 511.060)**

A person is guilty of criminal trespass when:

- a. he/she knowingly enters or remains unlawfully in a dwelling.
- b. he/she knowingly enters or remains unlawfully in a building or upon premises on which notice against trespass is given by fencing or other enclosure.
- c. he/she knowingly enters or remains unlawfully in or upon premises.

8. CRIMINAL USE OF NOXIOUS SUBSTANCE (KRS 512.050)

A person is guilty of criminal use of a noxious substance when he/she unlawfully deposits on the land or in the building or vehicle of another, any stink bomb, device or irritant with the intent to interfere with the use of the land, building or vehicle.

Level I, II or III

9. DEFIANCE OF AUTHORITY

Refusal to comply with reasonable requests of school personnel or disobeying any general rules of school conduct such as leaving the school campus without following the proper dismissal procedure.

Level I, II or III

10. DEFAMATION

Harming another person's character or reputation by saying things which are not true and which are intended to bring harm.

Level I or II

11. DISORDERLY CONDUCT/CLASSROOM DISRUPTION

(Including profanity, pornography and obscene behavior) Conduct and/or behavior which is disruptive to the orderly educational procedure of the school. Scuffling and horseplay may lead to more serious conflicts; therefore, it is not allowed in halls, classrooms, on campus, buses or on the way to and from school. Lack of control of voice and limbs.

Level I or II

12. DRESS CODE VIOLATION

All students shall observe modesty, appropriateness and neatness in clothing and personal appearance, and at all times shall conform to the standards of dress and appearance commonly accepted and prevailing in Marshall County. A student shall be inappropriately dressed if he or she is a disturbing or disruptive influence in the class or school because of mode of dress or personal appearance. Students should be capable of selecting attractive and appropriate clothing for school; however, the principal(s) has the discretion to make decisions regarding inappropriate dress.

Level I, II or III

13. DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

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 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.

DEFINITIONS

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. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are 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

AUTHORIZED MEDICATION

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.

PENALTY: The student **shall** be suspended for up to ten (10) days pending a recommendation for presentation to the District Disciplinary Committee for a student hearing or a recommendation for expulsion. Should the Board of Education not have a meeting prior to the suspension being completed, the student shall be reinstated in school through the alternative classroom until the Board has conducted a hearing on the charge. Violation of this policy may include suspension or dismissal from athletic teams and/or other school-sponsored activities.

Level III

14. EXTORTION

The solicitation of money, or something of value, from another student, regardless of the amount, in return for protection, or in connection with a threat to inflict harm.

Level II or III

15. FALSE FIRE ALARM (KRS 519.040)

Falsely alerting the fire department or school to a nonexistent fire.

16. FIGHTING

Students who willingly engage in physical contact for the purpose of inflicting harm on the other person.

Level I, II or III

17. FORGERY

The act of falsely using the name of another person, or falsifying documents or correspondence (such as absence/excuses).

Level I or II

18. GAMBLING

Participating in games of chance for the express purpose of exchanging money or property.

Level I or II

19. HARASSMENT/DISCRIMINATION

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

PROHIBITION

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

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

DISCIPLINARY ACTION

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

GUIDELINES

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without

a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

Employees who believe prohibited behaviors are occurring or have 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 contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

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

RETALIATION PROHIBITED

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

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

FALSE COMPLAINTS

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

Level I, II or III

20. INTIMIDATION OF WITNESS (KRS 524.040)

Any physical or verbal intimidation of any witness to any school violation.

Level I, II or III

21. LOITERING BY UNAUTHORIZED STUDENTS

Being on school grounds or in the school without authority or permission of school personnel. This would include students on shortened programs, suspended students and students that have been expelled. A PETITION/WARRANT WILL BE SIGNED.

Level II or III

22. MALICIOUS REMARKS

To willfully intimidate, insult or in other manner abuse verbally or in writing any member of the school staff or student body.

Level I or II

23. MENACING (KRS 508.050)

A person is guilty of menacing when he/she intentionally places another person in reasonable apprehension of imminent physical injury.

Level I, II or III

24. MISREPRESENTING FACTS/CHEATING

Knowingly deceiving school administrators and/or staff.

Level I or II

25. NON-SCHOOL VIOLATIONS

Students will be subject to school discipline for any violation of this Code with regard to school personnel and property during non-school time.

Level II or III

26. OUTSIDE OF SCHOOL CONDUCT

Any student engaging in conduct outside of school, and outside of school-related activities, that is of a serious violent nature, or might tend to disrupt or interfere with school discipline and/or the welfare of its students and employees, is subject to school discipline. The conduct in question shall be substantiated by school officials with the appropriate law enforcement agency, and/or government agency. The specific conduct in question shall be criminal in nature, including, but not limited to, the following:

1. Trafficking of controlled substances and/or illegal drugs.
2. Conspiracy to commit a violent act (assault, murder).
3. Illegal possession, sale, or use of a firearm.
4. Felony assault/battery.

Level II or III

27. PHYSICAL ASSAULT OR THREATS OF VIOLENCE

Physical assault is a physical attack of one or a group of persons upon one or more persons who do not wish to engage in the conflict. Any provocation (verbal or physical) may be considered a mitigation of the charge. A person who finds himself the victim of an assault has the right to defend himself against the attack and use such force in defense as to be reasonably necessary.

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

PUPILS

Any pupil who threatens, assaults, batters or abuses another pupil shall be subject to appropriate disciplinary action, including suspension or expulsion.¹

SCHOOL PERSONNEL

Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action¹ up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

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

1. 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.

Level II or III

28. POSSESSION OF CONTRABAND

The possession of any items, articles or equipment such as a gun, knife or drug paraphernalia, stolen property or any other items considered to be contraband (the possession or ownership of which is prohibited by law) is prohibited and any violation of this provision shall subject a student to disciplinary action.

Level I, II or III

29. POSSESSION OF ANY ELECTRONIC COMMUNICATION DEVICE

The possession of any items that may be used to communicate electronically shall be regulated by the Site Based Decision Making Council of each school.

Level I or II

30. POSSESSION OF A PAGING DEVICE

A student in a public school shall not possess a paging device while on school property or while attending a school-sponsored or school-related activity on or off school property unless the student is in attendance in the capacity of an active member of a volunteer emergency medical services organization.

31. POSSESSION OF UNAUTHORIZED SCHOOL PROPERTY

Possession of school property by students without authorization from an administrator or supervisor shall be subject to disciplinary action.

Level I or II

32. POSSESSION AND OR USE OF WEAPONS ON SCHOOL PROPERTY OR AT ANY SCHOOL FUNCTION (KRS 527.020)

Possession or use of any instrument, such as fireworks, explosives, knives, clubs, guns, chains (capable of being used as weapons), metal combs, razor blades, and the like that can be used to inflict bodily injury to another person.

Level II or III

THE CRIME OF UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY OR KNOWINGLY POSSESSING OR CARRYING A FIREARM, DEADLY WEAPON, DESTRUCTIVE DEVICE, OR BOOBY TRAP DEVICE IN PUBLIC OR PRIVATE SCHOOL BUILDINGS, SCHOOL BUSES, CAMPUSES, GROUNDS, RECREATION AREAS, OR ATHLETIC FIELDS IS A CLASS D FELONY.

33. PROHIBITED GANG ACTIVITY

The association of students for the purpose of an illegal or immoral activity is prohibited. A violation of this provision shall subject a student to disciplinary action. The wearing of items of clothing, or any other wearing apparel or utilization of any means of identification of a student's membership in or association with a group having an illegal purpose shall be considered a violation of this section of the Code and shall subject a student to disciplinary action.

Level I, II or III

34. PUBLICATIONS

In the case of official publications, i.e. where the paper or magazine is described as "published" by the school, and/or the school provides a faculty advisor and/or the funds for printing and distribution, the school, the student author and the student editors are liable and accountable for whatever is published. Accordingly, the school has a paramount right to ensure that whatever is published observes the strictures against malicious injury, defamation, obscenity and incitement to disorder, injury or illegal acts.

School authorities should exercise this paramount right with great wisdom. To that end, all school publications prepared by students will be developed with consultation of a designated member of the professional staff. No member of the professional staff shall prevent the distribution of any official publication of the school unless it involves malicious injury, defamation, obscenity and incitement to disorder, injury or illegal acts. In addition, the building principal

shall have the right to restrain any student publication containing advertising in bad taste.

Publications and petitions which are the work of students or others without any official sanction of the school, so long as they observe the above-mentioned strictures may be circulated in the schools after review by school authorities and under such conditions and at such times and places as shall be designated by the school authorities.

Level II

35. REPEATED VIOLATIONS

Repeatedly failing to comply with directions of teachers, student teachers, substitute teachers, teacher's aides, principals or other authorized school personnel during any period of time when the student is properly under the authority of school personnel. Pursuant to KRS 630.020 school personnel may begin court proceedings concerning any child in their district who has not subjected himself or herself to the reasonable control of the school personnel or has been a habitual truant from school.

Level I, II or III

36. ROBBERY (KRS 515.020)

A person is guilty of robbery when, in the course of committing theft, he/she uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft.

Level III

37. SKIPPING

Purposely missing a day or portion of a school day when the student is supposed to be attending school or leaving the classroom or campus without permission.

Level I or II

38. SUBSTANCES APPEARING TO BE, OR REPRESENTED AS, DRUGS

Use of, in any manner or to any extent, sale or possession of, vanilla flavorings, vitamins, saccharin, caffeine or other pills or substances appearing or represented to be controlled or other drug substances such as "speed" or any other commonly used name to designate a controlled or other drug substance.

Level II or III

39. TERRORISTIC THREATENING (KRS 513.010)

A person is guilty of terroristic threatening when he/she threatens to commit any act likely to result in death or physical injury to another person or likely to result in property damage to another person.

Level II or III

40. THEFT AND RELATED OFFENSES (KRS 514.040)

The taking of property of others (students, teachers, visitors, etc.) without their consent, possession of stolen property or possession without owner's

permission, selling of school property.

Value under 100.00	Level I or II
Value over 100.00	Level III

41. TOBACCO USE OR POSSESSION (KRS 438.311(3))

- a. The use or possession of tobacco or tobacco use paraphernalia, alternative nicotine products, or vapor products (as defined in KRS 438.305) in any form by students at all schools shall be prohibited.
- b. The penalty for students' use or possession of tobacco, alternative nicotine products or vapor products at school shall be:
 - FIRST OFFENSE: Up to three (3) days suspension and notification of parents.
 - SECOND OFFENSE: Up to five (5) days suspension, report to the Board of Education, and notification of parents.
 - THIRD OFFENSE: Up to ten (10) days suspension, report to the Board of Education, and notification of parents.
- c. Any violation of this regulation may also be subject to those penalties provided for under the provision of KRS 438.050.

42. TRAFFICKING OF DRUGS OR ALCOHOLIC BEVERAGES

The sale of, delivery of, or transfer of drugs, illegal, controlled, dangerous substances, or alcoholic beverages as described in section 13.

Level III

43. UNLAWFUL ASSEMBLY (KRS 525.050)

A person is guilty of unlawful assembly when:

- a. he/she assembles with five or more persons for the purpose of engaging or preparing to engage with them in disorderly behavior (gang-type activities).
- b. being present at any assembly which either has or develops such a purpose, he/she remains there with intent to advance that purpose.

Level II or III

44. VANDALISM

The unprovoked or willful destruction, defacing or marring of property located on school premises.

NEGLIGENT -- with restitution INTENTIONAL -- with restitution

Level I, II or III

45. VIOLATION OF THE COMPUTER ACCEPTABLE USE POLICY

Violation of the Computer Acceptable Use Policy adopted by the Board of Education may result in disciplinary action being taken.

Level I, II or III

46. WANTON ENDANGERMENT (KRS 508.060)

A person is guilty of wanton endangerment when he/she wantonly engages in conduct which creates a substantial danger of physical injury to another person.

Level II or III

REPORTING OF CODE VIOLATIONS

Students wishing to report bullying or other violations 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, any felony offense, or a report that may be required by law, including reports to law enforcement.

RETALIATION PROHIBITED

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

PROVISIONS FOR CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE REVIEW

The Board of Education requires that this Code of Acceptable Behavior and Discipline be reviewed every two years following the meeting of the State Legislature, or upon recommendation of a faculty member, administrator or committee member.

The following form is recommended:

- a. The Director of Pupil Personnel may select a special committee consisting of students, parents, teachers and others to conduct this review by June 30.
- b. The review group may be charged with reviewing the entire document and making recommendations for changes for compilation no later than July 1.
- c. The Director of Pupil Personnel shall submit a summary of the actual recommendations from the committee and present them to the superintendent for modification and suggestions by July 5.
- d. The superintendent shall review the summary of actual recommendations and

where applicable recommend the Board of Education implement the changes at the regular meeting of the Board of Education in the month of July as an addendum. A copy of the addendum will be supplied to each student, parent/guardian, administrator and teacher.

ANNUAL ORIENTATION OF CODE

Each student enrolled in the Marshall County School System will receive a copy of the Code of Acceptable Behavior and Discipline on the first day of school. Each classroom and homeroom teacher will review the Code with the class. The students will be asked to take the Code home for parents to review.

Anyone having questions or inquiries concerning this Code of Acceptable Behavior and Discipline may call Billy Thorpe, Director of Pupil Personnel, at (270) 527-8628.

Marshall County Board of Education
86 High School Road
Benton, Kentucky 42025
(270) 527-8628

Parent Right to Request Teacher Qualifications

Dear Parent or Guardian:

The educators in the Marshall County School District are committed to providing a quality instructional program for your child. This letter is just one of the ways of keeping you informed of the educational commitment of our schools and our district.

Our district receives federal funds for Title I programs as a part of the ESSA *Every Student Succeeds Act*. Under ESSA, you have the right to request information regarding the professional qualifications of your child's teacher(s). If you request this information, the district will provide you with the following:

1. Whether the teacher has met the state requirements for licensure and certification for the grade levels and subject matters in which the teacher provides instruction;

2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
3. The college major and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree; and
4. Whether your child is provided services by para-educators, and if so, their qualifications.

If you would like to request this information, please contact the Marshall County Board of Education by phone (270) 527-8628 or by e-mail at Amanda.henderson@marshall.kyschools.us. Please include your child's name, and the name with mailing address, or e-mail address to which the information should be sent. Thank you for your interest and involvement in your child's education.