



Montgomery County Public Schools  
Student Code  
Of Acceptable Behavior & Discipline  
2016-2017 School Year

Montgomery County Public Schools  
640 Woodford Drive  
Mt. Sterling, KY 40353

Approved by the Montgomery County Board of Education on 7/26/2016  
[www.montgomery.kyschools.us](http://www.montgomery.kyschools.us)

# STUDENT DISCIPLINE CODE

Contact Person: Hopey Newkirk, Director of Student Services  
Montgomery County Schools Phone: (859) 497-8760  
Board Superintendent: Matthew D. Thompson, Ed. D.  
Board Attorney: Michelle Williams

The 2016-2017 Student Discipline Code was reviewed by the following committee members.

Chris Barrier	Director of Law Enforcement	Central Office
Renee Boots	Chief Academic Officer	Central Office
Rick Culross	Deputy Superintendent	Central Office
Rob Donaldson	Assistant Principal	Montgomery County High School
Sherrri Frerichs	Parent	Montgomery County High School
Arden Goodman	Director of Special Education	Central Office
Amanda Heaton	Assistant Principal	Montgomery County Intermediate
Kevin Letcher	Teacher	Montgomery County High School
Dudley Napier	Assistant Principal	Camargo Elementary
Hopey Newkirk	Director of Student Services	Central Office
LeAnn Salyer	Teacher	McNabb Middle School
Mike Whitaker	Principal	The Sterling School
Donna Wilson	Board Member	Central Office

The Student Discipline Code, (Code of Acceptable Behavior and Discipline), is reviewed with students at the beginning of the school year. The parent/guardian and student shall sign and return to school, a statement acknowledging receipt of the Student Code Discipline Code of Behavior and Conduct.

No provisions in this Student Discipline Code are intended to grant students or parents, throughout this district, (parents refers to Guardians), more rights than are provided by the United States Constitution, federal statutes, the Kentucky Constitution, and/or Kentucky statutes, and are instead intended solely to reflect the Montgomery County Public Schools' understanding and intended application of those federal and state constitutional and statutory provision.

The Board of Education does not discriminate on the basis of race, color, national origin, age, religion, sex, genetic information or disability in employment, educational programs or activities

Title IX Coordinator - Dr. Rick Culross  
640 Woodford Drive  
Mt. Sterling, KY 40353  
859-497-8760

504 Coordinator - Jacqui Johnston  
640 Woodford Drive  
Mt. Sterling, KY 40353  
859-497-8761

**Contents**

Policy Statement .....5

School Authority .....6

Conduct Definitions .....7

Harassment and Discrimination.....7

    Harassment and Discrimination.....7

    Bullying and Cyber Bullying.....7

    Hazing: .....8

    Menacing:.....8

    Harassment:.....9

    Harassing Communications: .....9

    Stalking: .....9

    Care of School and Personal Property.....9

Alcohol, Tobacco, Drugs, and Other Prohibited Substances.....9

    Tobacco/ Electronic Cigarettes & Vaping.....9

    Student Medication .....9

    Drugs/Controlled Substances.....10

    First Offense for Drugs .....10

    Second Offense:.....10

    Sale or Transmission:.....10

    Caffeine Pills/Over the Counter Stimulants:.....10

    Look Alike Drugs.....10

Threats.....10

    Assault and Threats of Violence.....10

    Assault and Threats of Violence on Pupils .....10

    Assault and Threats of Violence on School Personnel .....10

    Awareness Program.....10

    Removal of Students Due To Assault and Threats of Violence.....11

    Notification Requirements .....11

Weapons.....11

    Weapons Prohibited .....11

    Reporting Weapons.....11

    Enforcement of the Policy Regarding Weapons .....11

    Penalties Regarding Weapons.....12

Search and Seizure.....12

    Reasonable Suspicion Regarding Search and Seizure .....12

    Authorized Personnel Regarding Search and Seizure.....12

    Witness/Personal Searches Regarding Search and Seizure.....12

    Regular Inspection Regarding Search and Seizure .....12

    Unauthorized Items .....12

    Other Disruptive Items.....12

    Disposition of Items .....12

Access to Electronic Media.....12

    Educational Suitability of Electronic Media.....12

    Network Reliability of Electronic Media.....12

    Safety of Electronic Media.....13

    Unacceptable Use of Electronic Media.....13

    Access Privileges to Electronic Materials.....13

    Network Privileges for Students .....13

Contracts .....13

    Student Contracts .....13

    Logins and Passwords .....14

    Right to Privacy.....14

    Disregard of Rules.....14

    Responsibility for Damages .....14

Disciplinary Action .....	14
Transportation .....	14
Pupil's Responsibilities .....	14
Pupils to Wait at Assigned Stop .....	14
Crossing on Driver's Signal .....	14
Crossing in Driver's Vision .....	14
Seating .....	14
Seated Until Complete Stop .....	14
Body Not to Protrude From Window .....	14
Changing Seats .....	14
Pupil Noise .....	14
Additional Transportation Information .....	14
Violations of Acceptable Behavior (Definitions) .....	15
Abuse of Teacher (Law Violation) .....	15
Academic Dishonesty .....	15
Acceptable Use Policy Violation .....	15
Arson (Law Violation) .....	15
Assault (School personnel and Students) (Law Violation) .....	15
Attendance- Failure to sign in and out of school .....	15
Attendance- Skipping Class, Skipping School .....	16
Attendance- Tardiness, Unexcused .....	16
Attendance- Truancy .....	16
Attendance- Unauthorized Departure from Campus .....	16
Aggressive Behavior Toward Any School Employee/Student .....	16
Bomb Threat .....	16
Bullying/ Cyber Bullying/ Hazing/ Stalking .....	16
Burglary .....	16
Bus Rules Violation .....	16
Dangerous Instruments, Possession of .....	16
Defiance of Authority .....	16
Disorderly conduct (Law Violation) .....	16
Display of Affection, Inappropriate .....	16
Disruptive Behavior .....	16
Dress Code Violation .....	16
Drug Paraphernalia, Possession or Use of (Law Violation) .....	16
Drugs, alcohol, narcotics, counterfeit controlled substances or look-alike items, Distribution of .....	16
Drugs, alcohol, narcotics, counterfeit controlled substances or look-alike substances or other intoxicating .....	16
Extortion (Law Violation) .....	17
False Fire Alarm (Law Violation) .....	17
Fighting .....	17
Forgery (Law Violation) .....	17
Gambling .....	17
Gang Activity, Promoting .....	17
Harassment Communications/ Menacing (Law Violation) .....	17
Loitering .....	17
Non-Compliance with Classroom Rules .....	17
Other .....	17
Pornographic/ Obscene Material .....	17
Profanity or Vulgarity .....	17
Safety Violation .....	17
Sexual Harassment .....	17
Sexual Misconduct .....	17
Telecommunications Devices, Unauthorized Use of .....	17
Terroristic Threatening (Law Violation) .....	17
Theft, Stealing or Possession of Stolen Property .....	17

Threat or Intimidation.....	17
Tobacco Products, Possession/ Use of.....	17
Vandalism.....	17
Verbal Altercation.....	17
Violating Security Procedures.....	18
Violation of Suspension Regulations.....	18
Wanton Endangerment (Law Violation).....	18
Weapon (other than firearms), Possession of (Law Violation).....	18
Weapon (Deadly), Possession of (Law Violation).....	18
Discipline Procedures and Processes.....	18
Disciplinary Procedures.....	18
Parent/ Guardian Conference.....	18
Right to Due Process.....	19
Detention.....	19
Alternative to School Suspension Program (ASP).....	19
Behavior Contracts.....	19
Suspension and Expulsion.....	19
Suspension.....	19
Expulsion.....	20
Expulsion Guidelines.....	21
Expelled/Convicted Students.....	21
Disciplinary Consequences.....	21
Students with Disabilities.....	21
Other.....	22
Duty to Report.....	22
Self-Administration.....	22
Authorized Medication.....	22
Drug Penalty.....	22
Reporting Drugs.....	22
Risk Assessment Process.....	22
Seclusion.....	22
Telecommunication Devices.....	22
Possession and Use.....	22
Driver’s License Revocation (No Pass/No Drive).....	23
Attendance Policy.....	23
Excused Attendance Events.....	24
Truancy Defined.....	24
Excused Absences.....	24
Written Excuses.....	25
Special Circumstances.....	25
Other Absences.....	25
Maintenance of Records.....	25
Administration.....	26
Excessive Unexcused Absences.....	26
Grievance Procedures.....	26
Exceptions.....	26
Family Education Rights and Privacy Act Notification (FERPA).....	26
PPRA Rights Notification.....	27
Active Court Paperwork Pertaining to School Decisions.....	28
Integrated Pest Management.....	28
Montgomery County Schools Student Discipline Code.....	28

**Policy Statement**

The Montgomery County Board of Education requires high standards of personal conduct from all pupils and embraces the concept that

each pupil shall respect the rights of others and abide by the administrative procedures of the school district and the laws of the community and state. It is the intent of the Montgomery County Board of Education to provide a positive school climate for all participants (students, teachers, parents/guardians) in the schooling process; therefore, the Board of Education believes that every student has the right to a relevant education without disruption and a corresponding responsibility not to deny this right to other students.

Since students will spend their lives in contact with others, they must learn to control themselves and be effective in training themselves to be self-disciplined, socially responsible citizens. The Board believes it to be a reasonable expectation for students to exhibit self-disciplined behavior. Disciplinary methods used by personnel will be aimed at not only preserving an atmosphere conducive to learning, but also developing student codes of behavior that are consistent with society. The school district is responsible for the school placement of students. The district reserves the right to place students in a different school due to behavioral issues.

This Student Discipline Code provides for consistent treatment for all pupils, fairness as required by constitutional due process and an atmosphere of open communication with clearly understood rules. It encourages behavior that will enable the pupils to develop to their fullest potential. Students will be responsible for this code in school, at school sponsored or related activities and on school buses.

In accordance with KRS 158.148, the board shall develop a student discipline code that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, legal guardians, or other persons exercising custodial control or supervision. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees. The code shall establish standards of acceptable student behavior and discipline and may include district-wide standards of behavior for students who participate in extracurricular and co-curricular activities. The code also shall include a process addressing how students can report code violations to district personnel for appropriate action. Once reviewed and approved, the student discipline code shall be distributed to students and parents in the district, including those students who enroll during the school year. The board shall update the Student Discipline Code at least every two (2) years. As directed by the Kentucky Department of Education (KDE), the district shall report to the Center for School Safety when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under KRS 525.070 or KRS 525.080 in relation to a serious incident. Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.

### **School Authority**

The Superintendent/Designee shall be responsible for overall implementation and supervision of the board's Student Discipline Code and each principal shall be responsible for administration and implementation of the code within each school. The principal (refers to principal, assistant principal and designee when appropriate), shall apply the code uniformly and fairly to each student without partiality or discrimination. Each school council shall set school policy concerning the selection and implementation of appropriate discipline and classroom management necessary to carry out the code.

Each teacher and administrator shall hold students to a strict account for their conduct on school premises, on the way to and from school, and on school sponsored trips and activities. Any person who enters school property is under the authority of the school during such time as he/she remains on school property, and he/she shall abide by all rules and regulations asset by the State Board, or school officials. (*Legal Ref: KRS 161:180*), Each teacher is primarily responsible for monitoring the conduct of students assigned to his/her class, however, the teacher should also assume responsibility for correcting improper conduct on the part of students of any level in any situation around the school, if they are not under the direct supervision of another person at that time. The classroom teacher is expected to work out discipline problems as much as possible. If it becomes necessary, students in question should be referred to the principal's office. In addition to the superintendent, principals and assistant principals are empowered to suspend students, but shall report any such action in writing immediately to the superintendent/designee and to the parent or guardian.

The principal shall oversee the deportment of students who ride on the school bus and who walk to and from the school. The discipline of students is the responsibility of the principal who will decide the appropriate level of discipline for each reported incident. Factors that the principal may consider are the seriousness of the incident, the student's age, and educational factors. The principal is authorized to withhold bus-riding privileges up to a maximum of ten (10) school days per occurrence in the case of habitual or serious conduct violations. The principal shall notify the parents in cases where bus-riding privileges have been withheld. The superintendent or the superintendent's designee may withhold bus-riding privileges up to the remainder of the school year. The board has given the bus driver the responsibility of safely transporting students to and from school. The bus driver also has the authority to manage student behavior on the bus to maximize safe transportation.

<b>Conduct Definitions</b>
Conduct fitting the definitions below and other similar definitions which injures, degrades or disgraces the victim, disrupts the educational process and/or interferes with other students' opportunities to obtain an education, will be subject to disciplinary

action. Students should generally maintain a “hands-off” policy with regard to other persons’ bodies and possessions, and no student should engage in behavior toward someone else which they would not want directed toward themselves (follow the “Golden Rule”). Students who witness these behaviors or who are subject to these behaviors are encouraged to report the behavior to a teacher or other staff member. Efforts will be made, if possible, to protect the confidentiality of anyone making a report. Retaliation against a student who has made a report of bullying will be treated as a violation of this section as well.

Bullying includes behavior commonly understood as bullying, as well as cyber bullying, hazing, menacing, harassing communications, stalking and other abusive behavior toward students or staff members. This behavior will not be tolerated because every student and staff member deserves a safe environment in which to work and learn. This school district is committed to dealing with bullying behaviors in our schools to create a safe environment.

“Harassment” and “Harassing Communications” under the category of “Bullying” are separate from the definition of “Harassment/Discrimination” which involves behavior based on race, color, national origin, age, religion, sex or disability. However, a report of a violation of this section will be evaluated by school personnel to determine whether it should be treated as a report of harassment/discrimination which would require an investigation under the “Harassment/Discrimination” section of this Student Discipline Code.

**Harassment and Discrimination**

**Harassment and Discrimination**

Harassment/Discrimination is behavior based on race, color, national origin, age, religion, sex, or disability that is sufficiently severe, pervasive, or objectively offensive that adversely affects a student’s education or creates a hostile or abusive educational environment. The Montgomery County Board of Education has adopted policies ensuring that students are not denied equal education opportunities and do not suffer harassment. The Montgomery County Board of Education hereby declares its intention to fully comply with provisions of the Rehabilitation Act of 1973, as amended (commonly referred to as Section 504). In accordance with this act, no programs, policies or practices of this agency will discriminate on the basis of a disability.

Examples of conduct and/or actions prohibited include but are not limited to the following:

1. Any nicknames, slurs, stories, jokes, written or electronic materials or pictures that are lewd, vulgar, demeaning 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. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct.
4. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories.
5. 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.
6. Destroying or damaging an individual’s property based on any of the protected categories.

When a student or parent believes the student has been harassed or discriminated against, a complaint may be filed using the following procedure:

1. The student or parent makes a written complaint to a counselor or principal (or to the superintendent’s designee if the principal is an alleged party to the harassment or discrimination). The written complaint shall be forwarded to the principal or superintendent’s designee.
2. The principal (or superintendent’s designee) shall promptly investigate the allegation, may attempt to resolve the issues presented, shall keep the superintendent advised, and may take corrective measures if warranted.
3. District employees involved in the investigation of the complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violation.

The Montgomery County Board of Education intends that the program shall be in full compliance with the Title IX Federal provisions and with the provisions of all Disability Education Acts. *Related Policies: 03.162, 03.262, 09.13, 09.227, 09.422, 09.426, 09.42811*

**Bullying and Cyber Bullying**

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.

**ACTIONS NOT TOLERATED**

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in

	<p>behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.<sup>1</sup> 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.</p> <p>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.</p> <p>Students who violate this policy shall be subject to appropriate disciplinary action.</p> <p><b>BULLYING DEFINED</b></p> <p>Bullying means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:</p> <ol style="list-style-type: none"> <li>1. <b>That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event: or</b></li> <li>2. <b>That disrupts the education process.</b></li> </ol> <p><b>This</b> definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process.<sup>2</sup></p> <p><b>REPORTS</b></p> <p>As provided in the District Code of Acceptable Behavior and Discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action.</p> <p>Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party.</p> <p>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.</p> <p>The District Code shall specify to whom reports of alleged instances of bullying or hazing shall be made. In serious instances of peer-to-peer bullying/hazing/harassment, employees must report to the alleged victim’s Principal, as directed by Board policy 09.42811. The Principal/designee shall investigate and address alleged incidents of such misbehavior.</p> <p>In certain cases, employees must do the following:</p> <ol style="list-style-type: none"> <li>1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and</li> <li>2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.</li> </ol> <p><b>OTHER CLAIMS</b></p> <p>When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.</p>
<p><b>Hazing</b></p>	<p>Hazing involves behavior used as a way of initiating new members into a group. It usually consists of some ritualistic test involving the new member being required to perform a task or series of tasks which are intended to be demeaning, degrading, harmful or embarrassing to the new member or which require the new member to engage in conduct toward others which is demeaning, degrading, harmful or embarrassing. Hazing can include the force or coerced consumption of drugs or alcohol or the forced or coerced performance of lewd or suggestive acts. May also be considered a form of bullying depending on the situation. Items mentioned in this paragraph may rise to the level of law violation.</p>
<p><b>Menacing</b></p>	<p>Menacing involves actions, sometimes accompanied by words, used to intentionally place another person in reasonable apprehension of imminent physical injury. Menacing is exemplified by the raising and drawing back of a hand or fist in order to make the other individual believe he/she is about to be slapped or punched, or the swinging or jabbing of a hand toward someone to cause him/her to flinch, duck or raise his/her hands in anticipation of being struck. Items mentioned in this paragraph may rise to the level of law violation.</p>



<b>Harassment</b>	Harassment involves the intent to intimidate, annoy, or alarm another person. This intent is accompanied by one or more of the following behaviors: striking, shoving, kicking or other physical contact with another person; the attempt to strike, shove, kick or engage in other physical contact toward another person; using an offensively coarse utterance, gesture, display toward another person; addressing abusive language toward another person; following a person in or about a public places or places; engaging in a course of conduct or repeatedly committing acts which alarm or seriously annoy another person which serves no legitimate purpose; or damaging or committing theft of the property of another student; substantially disrupting the operation of the school; or creating a hostile school environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation or embarrassment. Items mentioned in this paragraph may rise to the level of law violation.
<b>Harassing Communications</b>	Harassing Communication involves the intent to intimidate, annoy or alarm another person. This intent is accompanied by one or more of the following behaviors: communicating with a person, anonymously or otherwise, by telephone, mail or any other form of electronic or written communication in a manner which causes annoyance, alarm and serves no purpose of legitimate communication, or communicating with or about another student, anonymously or otherwise, by telephone, the Internet, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know, would cause the other student to suffer fear of physical harm, intimidation, humiliation or embarrassment and which serves no purpose. Items mentioned in this paragraph may rise to the level of law violation.
<b>Stalking</b>	Stalking involves intentional conduct which is directed at a specific person or persons; which seriously alarms, annoys, intimidates or harasses the person or persons; which serves no legitimate purpose, and which would cause a reasonable person to suffer substantial mental distress. Stalking does not involve merely following another person or regularly observing another person's actions, but includes behavior which conveys a threat of harm to the other person or which can be reasonably anticipated to cause the other person to fear harm. Items mentioned in this program may rise to the level of law violation.
<b>Care of School and Personal Property</b>	Pupils shall be held responsible for damage and/or theft to school property. 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. In addition, when reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves damage to school property, removal and/or theft. For the purposes of determining when to make this report, damage to school property shall refer to instances involving the following: /or damage beyond minor loss or breakage, excluding normal wear and tear. Intentional harm, and Any pupil, organization, or group of pupils who steals or willfully or wantonly destroys, defaces, or damages the personal property of school personnel on school property, off school property, or at school sponsored activities shall be subject to suspension or expulsion from school. Any pupil, organization, or group of pupils participating in activities who destroys, defaces, damages or steals the personal property of students shall be subject to disciplinary action. Parents shall be liable for property damage caused by their minor children. <i>Related Policy: 09.438</i>
<b>Alcohol, Tobacco, Drugs, and Other Prohibited Substances</b>	
<b>Tobacco/ Electronic Cigarettes &amp; Vaping</b>	Tobacco products shall not be used in any district indoor facilities building or in the Central Office building. Students shall not possess, sell, give away, share, smoke, or use tobacco products or possess electronic cigarettes or participate in vaping at school, on a school bus, on school grounds, or at any school-related activity. Nor shall any student possess, smoke, or use tobacco products at any school sponsored or endorsed activity while said student is a participant in such activity. Nor shall any student possess smoking paraphernalia such as lighters, matches or cigarette papers on school property, or at any school-related activity. <i>Related Policy: 09.4232</i>
<b>Student Medication</b>	Prescription and/or over the counter medicine, including aspirin, shall not be provided by the school for the purpose of administering to pupils. Antiseptic and appropriate other emergency medications shall be maintained in the first aid kit. Pupils may take medicine which is brought from home once a completed authorization form from the parent/ guardian is on file.

<b>Drugs/Controlled Substances</b>	No pupil shall possess, use, sell, or distribute 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: <ul style="list-style-type: none"> <li>• Alcoholic beverages, controlled drug substances, synthetics and drug paraphernalia;</li> <li>• Substances that “look like” a controlled substance. In instances involving “look-a-like” substances, there must be evidence of the student’s intent to portray the non-controlled or non-prescribed item as a controlled substance;</li> <li>• Non-controlled substances that cause a rush or high from inhaling, including but not limited to paint, glue, white out, bath salts or stimulants in pill or powder form such as caffeine pills or powders;</li> <li>• Prescription drugs for the purpose of sale or distribution.</li> <li>• Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Department of Human Resources under regulations pursuant to <u>KRS 218A</u>. Abuse of a prescribed medication shall be a violation of this policy.</li> </ul>
<b>First Offense for Drugs</b>	For possession, use, distribution and/or sale, or being under the influence of alcoholic beverages, narcotics, drugs, counterfeit controlled substances or look-alike and/or possession of drug paraphernalia, the student will receive an immediate up to ten (10) day suspension with recommendation for expulsion. Parents and appropriate law enforcement authorities will be immediately notified when violation of laws governing use, possession or sale of alcohol or other controlled substances has occurred. The recommendation for expulsion may be waived to consider up to ten (10) day suspension if; <ol style="list-style-type: none"> <li>1. The parent(s) or guardian(s) agree(s) to seek, at their expense, an evaluation of the student’s alcohol or drug use from a qualified chemical dependency counselor acceptable to the school district. Written proof of the evaluation must be provided to the Office of Student Services prior to reinstatement from suspension.</li> <li>2. The student complies with the recommendations of the qualified chemical dependency counselor. Written confirmation from a qualified chemical dependency counselor must be provided to the school administration.</li> </ol> If no treatment as such is recommended in the evaluation, the Director of Student Services may also require that the student either agree to meet with the school counselor a designated number of times to qualify for waiver of the recommendation for expulsion.
<b>Second Offense for Drugs</b>	A second offense of the policy will result in immediate suspension and recommendation for expulsion.
<b>Sale or Transmission</b>	For sale of alcoholic beverages, narcotics, drugs, counterfeit controlled substances or look-alikes, the student will receive an immediate up to ten (10) day suspension and recommendation for expulsion.
<b>Caffeine Pills/Over the Counter Stimulants</b>	For the use of, possession of, or transmission of caffeine pills or other over-the-counter stimulants, the student will receive an immediate up to ten (10) day suspension. The student will be recommended to meet with a counselor depending on circumstances may refer the student to a qualified chemical dependency counselor. All suspension days shall be served consecutively.
<b>Look- Alike Drugs</b>	Substances that “look-like” a prohibited 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.
<b>Threats</b>	
<b>Assault and Threats of Violence</b>	For purposes of this policy, a “threat shall include but not be limited to, physical assault, battery or abuse of others; the threat of physical force; the carrying, possessing, or transfer of weapons or danger instruments, and any other behavior which may endanger the safety of others.
<b>Assault and Threats of Violence on Pupils</b>	Any pupil who threatens, assaults, batters or physically or verbally abuses another pupil, or pupils, shall be subject to appropriate disciplinary action up to and including suspension or expulsion from school and/or legal action.
<b>Assault and Threats of Violence on School Personnel</b>	Any pupil who threatens, assaults, batters or physically or verbally abuses any school personnel shall be subject to appropriate disciplinary action up to and including suspension or expulsion from school and/or legal action. Whenever a teacher or school administrator is functioning in his capacity as an employee of a board of education of a public school system, it shall be unlawful for any person to direct speech or conduct toward the teacher or school administrator when such person knows or should know that the speech or conduct will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school.
<b>Awareness Program</b>	The superintendent/designee shall establish a drug free/alcohol-free awareness program for students, which shall include notice of the following: <ul style="list-style-type: none"> <li>• the dangers of drug/alcohol abuse in the schools/buses;</li> <li>• the district’s policies and related procedures on drug-free/alcohol-free schools;</li> <li>• the requirements for mandatory compliance with the district’s established standard of conduct;</li> </ul>

	<ul style="list-style-type: none"> <li>• information about available rehabilitation/student assistance programs; and</li> <li>• penalties that may be imposed upon students for drug/alcohol abuse violations.</li> </ul> <p><i>Related Policy: 09.2241, 09.423</i></p>
<b>Removal of Students Due To Assault and Threats of Violence</b>	<p>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:</p> <ol style="list-style-type: none"> <li>1. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.</li> <li>2. Physical attack by students so as to intentionally inflict harm to themselves, others or property.</li> </ol> <p>Removal of students from a bus shall be made in compliance with <u>702 KAR 005:080</u>. Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.</p> <p>When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal/Designee shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.</p> <p>A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:</p> <ol style="list-style-type: none"> <li>a. The person knows or has reasonable cause to believe that conduct has occurred which constitutes: <ol style="list-style-type: none"> <li>1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to: <ol style="list-style-type: none"> <li>a. carrying, possession, or use of a deadly weapon; or</li> <li>b. use, possession, or sale of controlled substances; or</li> </ol> </li> <li>2. Any felony offense under the laws of this Commonwealth; and</li> </ol> </li> <li>a. 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.</li> </ol>
<b>Notification Requirements</b>	<p>Any school employee assigned to work directly with, or who comes in contact with, a student with a documented history of weapons violation and/or physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student’s history by the Principal or designee, guidance counselor or other school official who has knowledge of the student’s behavior prior to the assignment or contact.</p> <p><i>Related Policy: 03.123, 03.223, 06.34</i></p>
<b>Weapons</b>	
This policy applies to students, staff members, and visitors to the school.	
<b>Weapons Prohibited</b>	<p>Except where expressly and specifically permitted by Kentucky Revised Statutes, knowingly carrying, bringing, using, or possessing any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle, personal vehicle or at any school sponsored activity is prohibited. Such weapons or dangerous instruments include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun, chains, slingshot, bludgeon, booby trap device, brass knuckles or artificial knuckles of any kind, knife which is readily capable of causing death or serious physical injury (including but not limited to pocket knives or hunting knives) or any other object that is carried for the purpose of or potential of inflicting injury on another. Weapons implicating the need to report to law enforcement are described in Board Policy 05.48. An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in KRS527.070. Law enforcement officials are authorized to bring weapons onto school property in performance of their duties.</p>
<b>Reporting Weapons</b>	<p>Refer to Board Policy 05.48 for coverage of deadly weapons and reporting to law enforcement agency. Employees of the district shall promptly make a report to local police, sheriff or state police, and the principal, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon on school premises or within one thousand (1,000) feet of school premises, on a bus, or at a school sponsored or sanctioned event. KRS 158.155 (4) mandates the principal, based on reasonable belief, shall report the possession of a firearm to the appropriate law enforcement agency. Employees who receive information from a student or other person regarding conduct required to be reported, shall report the conduct in the same manner as stated above.</p>
<b>Enforcement of the Policy Regarding</b>	<p>In the enforcement of this policy, principals may authorize, if they have reasonable suspicion, searches in compliance with board policies.</p>

<b>Weapons</b>	
<b>Penalties Regarding Weapons</b>	Violation of this policy by students shall require that proceedings for expulsion be proposed immediately by the Principal through the Superintendent. <i>Related Policies: 05.48, 09.435, 09.436</i>
<b>Search and Seizure</b>	
<b>Reasonable Suspicion Regarding Search and Seizure</b>	No pupil's outer clothing, pockets, or his or her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there is reasonable suspicion to believe the search will reveal evidence that the pupil has violated or is violating either a school rule and/or state or federal law.
<b>Authorized Personnel Regarding Search and Seizure</b>	Searches of a pupil's person or his or her personal effects shall only be conducted by a certified person directly responsible for the conduct of the pupil or the Principal/designee of the school which the student attends. However, when an immediate threat to the health or safety of others occurs off site with no certified employee reasonably available, a non-certified person (i.e., bus driver or coach/sponsor) that is responsible for the students is authorized to conduct the search of a student or his/her personal effects. Examples of immediate threats would include reasonable suspicion of the presence of illegal drugs or a weapon.
<b>Witness/Personal Searches Regarding Search and Seizure</b>	When a pat-down search of pupil's person is conducted, the person conducting the search shall be the same sex as the pupil; and a witness of the same sex as the pupil shall be present during the search. In addition, no search of a pupil shall be conducted in the presence of other students. These restrictions shall not apply to situations involving an imminent threat to students or staff where immediate action is required to prevent harm to health and safety. No strip searches of students shall be permitted. Students, who fail to cooperate with school authorities when requested, shall be subject to disciplinary action.
<b>Regular Inspection Regarding Search and Seizure</b>	School property, such as lockers, desks, network systems, technology resources and accounts owned or supplied by the district are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all such property and resources on a regular basis. During these inspections, items which are school property, such as overdue library books, may be collected. Students should not expect privacy for items and information left in such locations. A single desk, locker or a technology resource/account may be searched if reasonable grounds exist to believe that evidence of a violation of the law or a school rule is contained therein.
<b>Unauthorized Items</b>	Items (e.g., weapons, drugs, etc.) or other possessions reasonably determined by proper school authorities to be a threat to the pupil's safety or to others' safety and security may be seized by school officials.
<b>Other Disruptive Items</b>	Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the pupil's possession by a staff member. Such items may be returned to the pupil by the staff member or through the Principal's office.
<b>Disposition of Items</b>	All items which have been seized shall be turned over to the proper authorities or returned to the true owner within a reasonable time line. <i>Related Policies: 09.2323, 09.4261</i>
<b>Access to Electronic Media (Acceptable Use Policy)</b>	
<p>The board supports the right of students, employees and community members to have reasonable access to various information formats and believes it is incumbent upon students, employees, and community members to utilize this privilege in an appropriate and responsible manner.</p> <p>This policy outlines both the privileges and the responsibilities associated with the use of the Montgomery County Schools' network and its resources. It addresses ethical and educational uses of electronic media, including, but not limited to, the Internet, email, and other technological resources. It also addresses issues of privacy versus administrative review of electronic files and communications. The policy prohibits use of networks for illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.</p> <p>For additional information, see school board policies for students, certified and classified employees, regarding use of school property, disrupting the educational process, and conduct.</p>	
<b>Educational Suitability of Electronic Media</b>	School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.
<b>Network Reliability of Electronic Media</b>	Montgomery County Schools will not be responsible for any damages not limited to loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its own negligence or user errors or omissions.

<b>Safety of Electronic Media</b>	Accounts are to be used in support of education and research that is consistent with the educational objectives of the Montgomery County Schools. This may include <b>reasonable</b> personal use. Examples of acceptable use include, but are not limited to, protecting yourself and others by not revealing personal information that could lead a stranger to you or another person, (i.e. name, address, telephone, workplace, etc.). Users should notify a principal or School Technology Coordinator (STC) of any policy violations or security breach. This can be done anonymously. Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites, in chat rooms and cyber bullying awareness and response.
<b>Unacceptable Use of Electronic Media</b>	<p><b>RULES AND REGULATIONS</b></p> <p>Violations of the Acceptable Use Policy include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Violating State and Federal legal requirements addressing student and employee rights to privacy, including unauthorized disclosure, use and dissemination of personal information.</li> <li>2. Using third party providers or any other nonstandard electronic MAIL system;</li> <li>3. Using student email accounts are for non-educational purposes;</li> <li>4. Sending or displaying offensive messages or pictures, including those that involve: <ul style="list-style-type: none"> <li>• Profanity or obscenity; or</li> <li>• Harassing or intimidating communications.</li> </ul> </li> <li>5. Damaging computer systems, computer networks or school/District websites;</li> <li>6. Violating copyright laws, including illegal copying of commercial software and/or other protected material;</li> <li>7. Using another user’s password, “hacking” or gaining unauthorized access to computers or computer systems, or attempting to gain such unauthorized access;</li> <li>8. Trespassing in another user’s folder, work, or files;</li> <li>9. Intentionally wasting limited resources, including but not limited to gaming, streaming audio or video for no-educational purposes and downloading of freeware or shareware programs;</li> <li>10. Using the network for commercial purposes, financial gain or any illegal activity;</li> <li>11. 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, including, but not limited to social media sites such as Facebook, Twitter, Instagram, etc.: and</li> <li>12. Students revealing their name and personal information to, or establishing relationships with, “strangers” on the network, unless a parent or teacher has coordinated the communication.</li> </ol> <p>Users are held accountable for the additional rules and regulations found in the <u><a href="#">Montgomery County Schools Electronic Access &amp; Usage Plan</a></u>. You can locate a copy of the plan 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.</p>
<b>Access Privileges to Electronic Materials</b>	Access to electronic information resources may range from read-only access to instructional software to full search capability of the Internet and to email. For these reasons the Montgomery County Schools maintain the right to limit access to software and/or documents found either on our network or the Internet via technical or human barriers.
<b>Network Privileges for Students</b>	User Folders, supervised internet access & supervised class email (K-5), independent internet access and independent email (6-12).
<b>Contracts</b>	
<b>Student Contracts</b>	A contract, signed by the student, shall be required prior to the school granting that student access to the network, internet and/or email. The signature of a parent or guardian is also required for students under the age of eighteen (18) and will indicate the degree of access granted to the student. This document shall be kept on file by the principal or School Technology Coordinator (STC) as a legal, binding document and shall continue to be in effect throughout the student’s attendance in the building in which their grade level is housed (i.e. K-4, 5-6, 7-8 and 9-12), unless modified by the parent/guardian. These signatures indicate understanding and agreement with the specified acceptable uses, rules of on-line behavior, access privileges and penalties for policy/procedural violations.

<b>Logins and Passwords</b>	Upon signing a contract, a private login and password will be assigned to each user. The user is responsible for any activity performed under that login and password and therefore, passwords must be kept private. There will be no access to the network, email, or the internet without the use of a login and password and those will only exist for those persons with a signed contract.
<b>Right to Privacy</b>	The Montgomery County Schools reserve the right to ask a Network Administrator to access any user folder and/or email account of any user at any time. Users are advised not to place confidential documents in their user folder and never to use email for confidential communication. Email is not private. All Internet sites visited will be logged and reviewed for suitability of internet use to assure compliance with the AUP and with state law. Internet access has been granted for educational and research purposes only.
<b>Disregard of Rules</b>	Individuals who refuse to sign required acceptable use documents or who violate district rules governing the use of district technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other technological resources.
<b>Responsibility for Damages</b>	Individuals shall reimburse the board for repair or replacement of district property lost, stolen, damaged, or vandalized while under their care.
<b>Disciplinary Action</b>	Any user who violates the terms and conditions of this Acceptable Use policy will experience immediate degradation of services to “read only access.” Loss of privileges may continue for a period of up to one (1) calendar year, and/or other disciplinary actions may be enforced as per the discipline policy.  The DTC, STC or Network Director, may convert an account to “read only access” at any time as required. The DTC, STC, or Network Director, in cooperation with the building administrator, must notify the user, and user’s parents in case of a minor, in writing within two weeks informing them of the reason for suspension or termination of an account. Users whose accounts are denied, suspended or revoked do have the following rights: <ol style="list-style-type: none"> <li>1. To request (in writing) from the District Technology Coordinator a written statement justifying the disciplinary actions.</li> <li>2. To submit a written appeal to the superintendent and a committee he/she shall designate. Pending the decision of this committee, a user can make a final appeal to the Montgomery County Board of Education. The decision of the board of education is final.</li> </ol> <p><i>Related Policies: 03.17/03.27, 08.1353, 08.2322, 09.14</i></p>
<b>Transportation</b>	
Riding a bus is a privilege. We maintain the same behavior expectations for students on the bus that we have for students in our schools. In order to operate transportation safely, all code of conduct rules apply to students on buses and at bus stops.	
<b>Pupil’s Responsibilities</b>	Pupils shall conform to transportation rules and regulations prescribed under state statutes and under state and local regulations.
<b>Pupils to Wait at Assigned Stop</b>	Pupils shall wait at their assigned bus stop off the roadway prior to the bus arriving and shall remain there until the driver has stopped the bus, opened the entrance door, and signaled the pupils to enter the bus.
<b>Crossing on Driver’s Signal</b>	Pupils shall not cross the roadway when entering the school bus until signaled to do so by the bus driver.
<b>Crossing in Driver’s Vision</b>	When students are required to cross the roadway when entering or leaving the school bus, crossings shall be made in front of the bus. Pupils shall cross approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.
<b>Seating</b>	When pupils enter the bus, they shall proceed directly to a seat. Drivers and other school personnel may assign seats on buses.
<b>Seated Until Complete Stop</b>	Pupils shall remain seated until the bus has come to a complete stop.
<b>Body Not to Protrude From Window</b>	Pupils shall not extend their arms, legs, or heads out the bus windows.
<b>Changing Seats</b>	Pupils shall not change from one seat to another while the bus is in motion unless given permission by the bus driver.
<b>Pupil Noise</b>	Pupils shall not create noise on the bus to the extent that it might distract the bus driver or to the extent that it might interfere with the driver’s ability to hear the signals of emergency vehicles or an approaching train.
<b>Additional Transportation Information</b>	A signed note from the parent/guardian is necessary for a student to obtain a bus pass from the principal/designee of the students school to get off the bus at a stop other than his/her designated stop. A note from each student’s parents is necessary when one student goes home with another. A student riding a

	<p>bus with a pass, who is disciplined for an infraction, may have their bus riding privileges suspended and may not be allowed to continue riding the bus for which the pass was written.</p> <p>If a student is suspended from one school bus, he is suspended from all other buses as well. A school bus suspension is not an excused absence from school. Students will be expected to be at school each day of their bus suspension.</p> <p>No glass containers (not including thermos bottles), helium balloons, or live animals will be transported on the bus.</p> <p>The principal shall enforce Student Discipline Code and/or Site Base Council policy in addition to the Bus Rider Policy and Rules when a student commits a criminal offense. If a criminal offense occurs, all school employees shall immediately cause an oral or written report to be made to the local police, sheriff, state police and principal of the school attended by the victim.</p> <p>All Montgomery County School buses are equipped with video camera boxes and include audio recordings. Recordings may be used to document events and responsibility for actions that occur on the buses. Evacuation drills will be conducted four (4) times each year. Two (2) evacuations shall be conducted each semester with the first being conducted within the first week following the beginning of the semester. The drills consist of an orderly use of the available exits on the bus, and are designed to familiarize students with the proper safety procedures to be followed in case of an emergency.</p> <p>Students are permitted to leave the bus only at their designated bus stop. Any request to leave the bus at another stop must have a bus pass signed by the school principal/designee. Students who live on the opposite side of the road from the bus stop should, when exiting from the bus, go to a point approximately ten (10) feet ahead of the bus and wait until the driver signals to cross the road. Students should never cross at the rear of a stopped school bus. In the event of an accident, the bus driver is not allowed to release students from the scene. The student will be transported, by the school district, to his/her bus stop upon release from police or other authorities.</p> <p>School buses stopped for the purpose of loading and unloading students will have the side “Stop Arm” activated. Any time the “Stop-Arm” is out and lights are flashing, all traffic must stop. It is not permissible, even on school property to pass a school bus while it is loading or unloading students. An exception is when the bus is on a multi-lane highway; traffic going in the opposite direction does not have to stop.</p>
<b>Violations of Acceptable Behavior (Definitions)</b>	
<p>Violations of acceptable behavior at school, on buses, at bus stops, on the way to and from school, and at school- sponsored activities are defined below. Behavior occurring off school grounds, at locations not listed above, that threatens the safety and well-being of students or staff and directly affects the school’s ability to ensure a safe learning environment for all students is also a violation.</p>	
<b>Abuse of Teacher (Law Violation)</b>	Speech or conduct toward a teacher or administrator (when they are functioning in their capacity of an employee) that will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school. (KRS 161.190)
<b>Academic Dishonesty</b>	A student acting deceptively or dishonestly; including a student copying another’s work and using it as his/her own (plagiarism); tampering with official school records.
<b>Acceptable Use Policy Violation</b>	See Acceptable Use Policy.
<b>Arson (Law Violation)</b>	Starting or attempting to start a fire on school property.
<b>Assault (School Personnel and Students) (Law Violation)</b>	Physical contact of one person or a group of persons on another with the intent to injure. Physical sexual abuse of any kind is also considered assault.
<b>Attendance-Failure to sign in and out of school</b>	Leaving school or school function without appropriately informing school personnel.
<b>Attendance - Skipping Class: Skipping School</b>	Failure to attend any scheduled class or assigned school activity without valid excuse or to attend school on regularly scheduled day without permission from parent or school.
<b>Attendance -</b>	Tardiness to school or any class without a valid excuse. (Refer to individual school policy on tardiness).

<b>Tardiness, Unexcused</b>	
<b>Attendance - Truancy</b>	Absence or tardiness from school for three (3) or more days, without valid excuse. Any child who has been reported as truant two (2) or more times is a habitual truant. (See District Policy).
<b>Attendance-Unauthorized Departure from Campus</b>	Leaving school campus at which they are enrolled without the principal's permission. Students who are in areas without permission or off limits.
<b>Aggressive Behavior Towards Any School Employee/Student</b>	Physical contact or the threat of physical contact toward an employee/student of the school.
<b>Bomb Threat</b>	Making a threat that a bomb, or explosive device, has been placed or is about to explode in a school or on school property.
<b>Bullying/Cyber Bullying/Hazing/Stalking</b>	See Bullying section of Student Discipline Code.
<b>Burglary</b>	Unlawful entering a building or area of school property with the intent to commit a crime.
<b>Bus Rules Violation</b>	Any behavior that may create a safety problem on a bus or violate the Student Discipline Code.
<b>Dangerous Instruments, Possession of</b>	Dangerous instruments include any instrument, article, or substance, including parts of the human body, readily capable of causing death or serious physical injury. Dangerous instruments shall include pocket knives, bb guns, and hunting knives of all types.
<b>Defiance of Authority</b>	Willful refusal by a student to follow directives of authorized school personnel (including failure to identify oneself when requested) or to accept in-school disciplinary measures. Being impolite and arguing with those in authority.
<b>Disorderly Conduct (Law Violation)</b>	Violent or threatening behavior, noise or behavior that creates interference to the learning environment by an act that serves no legitimate purpose.
<b>Display of Affection, Inappropriate</b>	Acts such as kissing and caressing will not be allowed on school property or during school events.
<b>Disruptive Behavior</b>	Disruptions that impede the delivery of instruction, the transporting of students or alter the flow of school or district related business. Disruptions may be defined by written referrals from teachers or staff to the principal.
<b>Dress Code Violation</b>	Failure to follow school defined dress code requirements. Each Principal and SBDM Council shall develop specific guidelines for student dress.
<b>Drug Paraphernalia, Possession or Use of (Law Violation)</b>	Being in the possession of articles that are meant to be used for, intended to be used for or be construed to be used for drugs, alcohol or other intoxicating substances.
<b>Drugs, alcohol, narcotics, counterfeit controlled substances or look-alike items, Distribution of (Law Violation)</b>	The sale or distribution of drugs, alcohol or other intoxicating substances.
<b>Drugs, alcohol, narcotics, counterfeit controlled substances or look-alike substances or other intoxicating substances, Possession/Use/ Under the influence of (Law Violation)</b>	A student exhibiting noticeable behaviors, physical appearance, or odors consistent with use of alcohol, drugs, or other intoxicating substances. <i>Use of medications prescribed or ordered by a physician or dentist (Policy 09.2241) shall not be considered a violation of this policy.</i>
<b>Extortion (Law Violation)</b>	Attempting to or obtaining property from an unwilling person by intimidation or physical force.
<b>False Fire Alarm (Law Violation)</b>	Falsely alerting the fire department or school to a non-existent fire.
<b>Fighting</b>	Physical struggle, contact, or quarrel where no participant is identified as a victim.



<b>Forgery (Law Violation)</b>	Falsifying documents or signatures.
<b>Gambling</b>	Any game of chance for the express purpose of exchanging money or property.
<b>Gang Activity, Promoting</b>	Displaying signs, signals or gestures indicative of affiliation or advertisement of an organized gang, group or organization which advocates disruption or violence or has a history of group violence or disruption.
<b>Harassment Communications/ Menacing (Law Violation)</b>	See Bullying section of Student Discipline Code.
<b>Loitering</b>	Being on school grounds or in the school without authority or permission of school personnel. This would include students on shortened programs or students remaining after the school activities have ended.
<b>Non-Compliance with Classroom Rules</b>	Failure to complete assignments, including state-mandated assessment tests, and to follow other school or classroom regulations.
<b>Other</b>	Student actions do not fit in any other area of code but do violate state or federal law.
<b>Pornographic/ Obscene Material</b>	Possessing or accessing any material, whether written, printed or electronic, depicting nudity or depicts/describes sexual conduct and, when taken as a whole, lacks serious literary, artistic or other value.
<b>Profanity or Vulgarity</b>	The use of words or gestures generally considered socially unacceptable.
<b>Safety Violation</b>	An act of abuse or action which might injure or cause injury to oneself or others.
<b>Sexual Harassment</b>	See the harassment/discrimination section of the Student Discipline Code. Items mentioned in this paragraph may rise to the level of law violation.
<b>Sexual Misconduct</b>	Inappropriate sexual conduct defined by accepted social and legal standards. Items mentioned in this paragraph may rise to the level of law violation.
<b>Telecommunications Devices, Unauthorized Use of</b>	A student using or activating (turning on) a telecommunication device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor when not authorized.
<b>Terroristic Threatening (Law Violation)</b>	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 a school function, threatens to commit any act likely to result in death or serious physical injury to 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 of this section to occur;
<b>Theft, Stealing or Possession of Stolen Property</b>	Taking or possessing property belonging to the school or another person may result in a law violation.
<b>Threat or Intimidation</b>	The act of threatening force or violence, scaring, or insulting another person.
<b>Tobacco Products, Possession/Use of</b>	The possession or use of any tobacco products by students.
<b>Vandalism</b>	Destruction or defacing of public or personal property, including computer hardware or software.
<b>Verbal Altercation</b>	Students who engage in comments which disrupt toward others.
<b>Violating Security Procedures</b>	Compromising district and/or school security procedures or putting others at risk. This may include but is not limited to trespassing, failure to follow lock down or other safety drill procedures, opening of exterior doors other than single monitored entrance, tampering with security cameras, telephone and/or fire alarm system, remaining on school grounds after posted hours without prior permission from school officials, and intentionally reporting false tips to administrators, teachers, or other sources.
<b>Violation of Suspension Regulations</b>	Suspended students may not be on school property, property under the supervision of school personnel, buses, or attend school activities without permission of school administrators. Students violating suspension conditions are subject to prosecution for criminal trespass. In addition, further administrative action may be taken under 14 of this Section, "Defiance of Authority." (See KRS 508.060)
<b>Wanton</b>	Engaging in conduct that creates a substantial danger of injury to another person.

<b>Endangerment (Law Violation)</b>	
<b>Weapon (other than firearms), Possession of (Law Violation)</b>	Possession of any weapon/instrument or look-alike toy that may be capable of producing physical injury other than those described in "Possession of a Deadly Weapon" section.
<b>Weapon (Deadly), Possession of (Law Violation)</b>	The possession of any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged; any knife, billy club, nightstick, or club; blackjack or slapjack; nunchaku karate sticks; shuriken or death star; or artificial knuckles made from metal, plastic, or other similar hard material.
<b>Discipline Procedures and Processes</b>	
<p>The authority of the district in matters of student behavior is not limited to school buildings and grounds or to times when the pupil is on his/her way to or from school, but extends to any activity which is school-related or school-sponsored. All school sponsored student activities shall be under the direction of the Principal and faculty of the school, except that a non-faculty coach or non-faculty assistant may accompany student on athletic trips as provided in statute. The Principal may suspend a student's eligibility to participate in extracurricular and co-curricular activities, pending investigation of any allegation that the student has violated either the District behavior standards or the school council's criteria for participation. Eligibility for a school sponsored activity not required for a course will be contingent on maintaining the academic grade requirement as established by the activity association to which the school belongs. While on suspension, a student shall not be allowed to participate in any extra-curricular activity sponsored by the school. Student disciplinary measures should not be administered in a manner that is humiliating, degrading, or unduly severe or in a manner that would cause the pupil to lose status before his/her peer group.</p> <p>Unless an administrator or the board acts under authority of <u>KRS 158.150</u>, no school, school administrator, teacher, or other school employee shall expel or punish a student based on juvenile court information received by the employee from any source.</p>	
<b>Disciplinary Procedures</b>	<p>The teacher has the responsibility to take reasonable action to stop behavior that interferes with the educational process, to preserve the rights of others, and to help students improve their self-discipline. The teacher is responsible for utilizing the accepted school site-based discipline plan. Corporal punishment is prohibited and loss of physical activity periods shall not be used as a disciplinary consequence. Serious offenses may require direct referral to the principal/designee. Use of physical restraint or seclusion by school personnel is subject to 704 KAR 7:160. Nothing in this policy prohibits the exercise of law enforcement duties by sworn law enforcement officers. Use of physical restraint by all school personnel is permitted when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. In such situations, staff who have not had core team training, may physically restrain students but shall summon core trained school personnel as soon as possible.</p> <p>If in-class* discipline is not appropriate or does not succeed in correcting misbehavior or if the behavior requires further assistance, the student will be referred to a school administrator. When a student is referred, the steps of due process will be followed (see Due Process).</p> <p>We adhere to the Federal Rights and Privacy Act (FERPA) regarding confidentiality requirements and expectations.</p>
<b>Parent/Guardian Conference</b>	<p>When a student's misbehavior continues despite repeated efforts to correct it by school personnel, the administrator shall call a conference to meet with the student, the parent/guardian, and appropriate school staff. The administrator will schedule the conference in consultation with the parent/guardian. If telephone or personal contact with the parent/guardian has not occurred, written notice of the conference shall be sent. A mutually acceptable method of conferring should be agreed upon if a conference at school (or during school hours) is not possible for the parent/guardian.</p> <p>If multiple violations occur at frequent intervals, a single conference to address these problems will be sufficient. If the parent/guardian is unable to attend or chooses not to attend the scheduled conference, then the conference will take place in the absence of the parent/guardian. When the conference proceeds in the absence of the parent/guardian, the administrator will report the conference results to him/her.</p> <p>The purpose of the conference is to identify the source of the problem; to arrive at fair, effective solutions; and to improve student behavior. During the conference, the student will be afforded the opportunity to describe the problem as he/she sees it and to suggest actions that would resolve the problem. The parent/guardian and staff will be afforded the same opportunity.</p> <p>The student's academic and disciplinary records will be available for review during the conference. All participants in the conference will observe strict courtesy. A summary of the results of the conference will be documented.</p>
<b>Right to Due Process</b>	Before being punished at the school level with suspension for violation of school policy, a pupil shall have the right of the following due process procedures.

	<ol style="list-style-type: none"> <li>1. The pupil shall be given oral or written notice of the charge(s) against him/her.</li> <li>2. If the pupil denies the charge(s), he/she shall be given an explanation of the evidence against him/her.</li> <li>3. The pupil shall be given an opportunity to present his/her own version of the facts concerning the charge(s).</li> </ol> <p>In cases involving clear and present danger to the safety of persons and property, a student may be suspended before an informal hearing is held. In these cases an informal hearing shall be held as soon as possible, not to exceed three (3) days.</p> <p><i>Related Policies: 09.43, 09.433, 09.434</i></p>
<b>Detention</b>	A disciplinary program where students are kept for a period of time before or after school.
<b>Alternative to Suspension Program (ASP)</b>	An alternative placement during school hours within the school building. Instruction and classwork are provided by certified staff.
<b>Behavior Contracts</b>	
<p>Behavior problems in school may result in placement of a student on a behavior contract, the length and substance of which will be determined by the principal or assistant principal. Behavior expectations required by the school and consequences for failing to meet those expectations will be specified in the behavior contract.</p> <p>These consequences may include, but are not limited to, the following: extended detention, suspension from school, suspension from participating in, or attending, extra-curricular activities, or an alternative placement. School counseling may be required as a component of a behavior contract. The behavior contract should be signed by the student, the parent/guardian, and the principal/assistant principal.</p>	
<b>Suspension and Expulsion</b>	
<p>The Kentucky State Law requires teachers and administrators to hold students strictly accountable for their conduct during the entire school day. Section 161.180 of Kentucky Statutes reads as follows:</p> <p>“Each teacher and administrator in the public schools shall in accordance with the rules, regulations and bylaws of the board of education, 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”.</p> <p>KRS 158.150 further states: “All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools; 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 on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school. 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”.</p>	
<b>Suspension</b>	<p>In matters of discipline resulting in suspension, the student who has allegedly committed a breach of rules is entitled to due process. An informal hearing is required and will be conducted by the principal/designee before a student is suspended a maximum of three (3) days per incident. The Superintendent may suspend a student up to a maximum of ten (10) days. School must be in session for that day to count toward the suspended days. Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the superintendent/ designee. The superintendent, principals, and assistant principals are empowered to suspend students. Principals and assistant principals shall report any such action in writing to the superintendent/designee and to the parent or guardian. The report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement. If possible, the parent or guardian should be contacted immediately.</p> <p>If the superintendent/designee or principal believes that immediate removal is necessary to protect persons, property, or to avoid disruptions of the academic process, the student may be removed immediately. In such cases, due process shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension, otherwise, suspension shall be made according to the due process procedure.</p> <p>Prior to readmission to school, a conference may be held between the official who meted out the suspension and the student and the parent(s) or guardian(s). A student placed on suspension is prohibited from entering the school grounds (except for a prearranged conference with an administrator), for attending any day or night school functions of the Montgomery County Public Schools, or from riding a school bus during the term of the suspension. Violations of the conditions of suspension shall cause further disciplinary action to be taken. At all stages of the suspension process, students shall be guaranteed informal due process rights as outlined in the Student Discipline Code.</p>

<p><b>Expulsion</b></p>	<p>KRS 158.150 (2), concerning expulsion. That section reads: “Each local board of education shall adopt a policy requiring the expulsion from school for a period of not less than one (1) year for a student who is determined by the board to have brought a weapon to a school under its jurisdiction.” The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board’s jurisdiction, or to have physically assaulted, battered or abused educational personnel or other students at a school or school function under the board’s jurisdiction. The board may modify the expulsion requirement for students on a case-by-case basis. A board that has expelled a student from the student’s regular school setting shall provide or assure that the educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, 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 into a state-funded agency program. Other intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of ‘unlawful possession of a weapon on school property’ stated in KRS 527.070”.</p> <p>Expulsion shall mean that the pupil is excluded from school from the date of the violation or for a specified period not to exceed one school year. In the case of a student bringing a weapon as described in KRS 158.150 (2) to school, expulsion means exclusion from school for a maximum of one calendar year, subject to reduction by the Board on a case by case basis. An exception may be made for students participating in an authorized curricular or extra-curricular activity or team involving the use of firearms and to those persons listed in KRS 527.070.</p> <p>When charges are made against a student and expulsion is recommended, the superintendent may conduct a preliminary conference with the student. At this conference, the pupil will be given the opportunity to admit or deny the alleged misconduct. Regardless of the plea, the student is entitled to a procedural due process hearing before the board. The full procedure shall include:</p> <p>The superintendent shall notify the student and the parents/guardians, with a written statement setting forth charges which, if proven, would justify expulsion under the law. This statement shall be presented adequately in advance of the hearing to allow the student to prepare a reasonable defense.</p> <p>Administrators have the primary responsibility and particularized knowledge to investigate the incident(s) and to determine the reliability of the witnesses and the evidence. In certain cases when it is necessary to protect the safety and anonymity of witnesses, the school administrators may present the findings by presenting a summary of the investigation conducted.</p> <p>During the hearing, the student and the parents/guardians shall be afforded the opportunity to present to the Board, by oral or written testimony, a defense to the charges. This defense may include the introduction of a reasonable number of witnesses on the student’s own behalf.</p> <p>Should the student and the parent/guardian desire, they may be accompanied and represented by legal counsel. If this is desired, they must notify the Superintendent of this intention so that the Board attorney may also be present.</p> <p>The student is entitled to an expeditious handling of their case, careful reflection by the board, and a prompt decision.</p>
-------------------------	--

**Expulsion-  
(continued)**

<b>Expulsion Guidelines</b>	<p>The Board may expel any pupil from the regular school setting for misconduct as defined by law. 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 posed a threat to the safety of other students or school staff and could not be placed in a state-funded agency program.<sup>1</sup></p> <p>Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.</p> <p>The Superintendent shall present to the Board for its approval options for providing educational services to expelled students.</p> <p>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.<sup>1</sup> The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.<sup>3</sup></p> <p>The Board's decision shall be final.<sup>1</sup></p> <p>In cases which involve students with disabilities, procedures mandated by federal and state law for students with disabilities shall be followed. (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled.)<sup>1&amp;3</sup></p> <p>Records transferred to another school must reflect the charges and final action of an expulsion hearing if the student was expelled for homicide, assault, or an offense in violation of state law or school regulations governing weapons, alcohol or drugs. Records of a student facing an expulsion hearing on charges described above shall not be transferred until the expulsion hearing process is completed.<sup>2</sup></p>
<b>Expelled/ Convicted Students</b>	<p>If a student has been adjudicated guilty of an offense specified in this subsection or has been expelled from school for an offense specified in this subsection, prior to a student's admission to any school, the parent, guardian, principal, or other person or agency responsible for a student shall provide to the school a sworn statement or affirmation indicating on a form provided by the Kentucky Board of Education that the student has been adjudicated guilty or expelled from school attendance at a public or private school in this state or another state. Riding a bus is a privilege. We maintain the same behavior expectations for students on the bus that we have for students in our schools. In order to operate transportation safely, all code of conduct rules apply to students on buses and at bus stops.</p>
<b>Disciplinary Consequences</b>	
<b>Students with Disabilities</b>	<p>In cases which involve students with disabilities, the procedures mandated by federal and state law for students with disabilities shall be followed. (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled).</p> <p>In cases involving sanctions other than suspension or expulsion, students with disabilities are generally subject to discipline as any other student unless the individualized program devised for the child provides otherwise. In cases of serious disciplinary action involving students with disabilities, suspension and expulsion may be disciplinary options insofar as consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. section 1400, et seq. or Section 504 of the Rehabilitation Act of 1973, and corresponding state law and regulations. See particularly KRS 158.150 and 20 U.S.C. section 1415. In addition, children identified with disabilities may be subject to placement in interim alternative educational settings in the case of disciplinary infractions involving weapons or drugs or having inflicted serious bodily injury upon another person while at school or school function insofar as consistent with the foregoing statutory provisions and corresponding regulations. <i>Related Policies: 09.43, 09.431, 09.435</i></p>
<b>Other</b>	
<b>Duty to Report (KRS 158.156)</b>	<p>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 local police, sheriff, state police and principal of the school attended by the victim. When a student is involved in an incident reportable under this section the principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student. The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the</p>

	original report a written report containing: (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision; (b) The student's age; (c) The nature and extent of the violation; (d) The name and address of the student allegedly responsible for the violation; and (e) Any other information that the principal/ designee making the report believes may be helpful in the furtherance of the purpose of this section.
<b>Self-Administration</b>	Under procedures developed by the superintendent, a student may be permitted to carry certain medication that has been prescribed or ordered by a physician to stay on or with the pupil due to a pressing medical need.  Provided the parent/guardian and physician files a completed authorization form each year as required by law, a student under treatment for asthma shall be permitted to self-administer medication. Students shall not share any prescription or over-the counter medication with another student. Each year, the district shall notify students in writing of this prohibition and that violations shall result in appropriate disciplinary action, including but not limited to suspension or expulsion. <i>Related Policy: 09.2241</i>
<b>Authorized Medication</b>	Use of a drug authorized by and in accordance with a prescription/documentation from a physician or dentist shall not be considered in violation of this policy. However, it will be considered a violation of this policy if there is reason to believe a pupil has abused the drug prescription by its use in a manner inconsistent with the prescription.
<b>Drug Penalty</b>	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. Students may be immediately suspended under this policy for up to ten (10) days and may result in expulsion. Parents will be responsible for cost of drug screen.
<b>Reporting Drugs</b>	Employees of the district shall promptly make a report to local police, sheriff or state police, and the principal, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession or sale of controlled substances on the school property or within one thousand (1,000) feet of school property, on a school bus, or at a school-sponsored or sanctioned event.
<b>Risk Assessment Process</b>	The Montgomery County Schools has developed a Risk Assessment Process. Any student who threatens to harm himself/herself or others; either in writing, verbally or by possession of a weapon or other means of inflicting harm, will be evaluated as soon as possible by mental health specialists. An appropriate plan of action will be formulated that may include recommendations for treatment and possible disciplinary actions. The student may be prohibited from returning to school until the assessment process is complete.
<b>Seclusion</b>	Seclusion may be implemented only if: the student's behavior poses an imminent danger of physical harm to self or others; less restrictive interventions have been ineffective in stopping the imminent danger of physical harm; the student is monitored visually for the duration of the seclusion; and staff is appropriately trained to use seclusion.
<b>Telecommunication Devices</b>	
<b>Possession and Use</b>	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: <ol style="list-style-type: none"> <li>1. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that: <ol style="list-style-type: none"> <li>a) Poses a threat to academic integrity, such as cheating,</li> <li>b) Violates confidentiality or privacy rights of another individual,</li> <li>c) Is profane, indecent, or obscene,</li> <li>d) Constitutes or promotes illegal activity or activity in violation of school rules, or</li> <li>e) Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device</li> </ol> <p>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 upon the rights of others.</p> </li> <li>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 off and operated only before and after the regular school day.</li> <li>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.</li> </ol>

	<p>In addition, an administrator may confiscate the device, which shall be returned only to the student's parent/guardian.</p> <ol style="list-style-type: none"> <li>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.</li> <li>5. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.</li> </ol> <p>Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the district's Acceptable Use policy or procedures or its Student Discipline Code.</p>
<b>Driver's License Revocation (No Pass/No Drive)</b>	
<p>Students who are sixteen (16) or seventeen (17) years old who become academically deficient or deficient in attendance shall be reported to the Transportation Cabinet for driver's license, permit or driving privilege revocation.</p> <p>Academic and attendance deficiencies for student's age sixteen (16) or seventeen (17) enrolled in regular, alternative, part-time, and special education programs shall be defined as:</p> <ol style="list-style-type: none"> <li>1. They shall be deemed academically deficient if they have not received passing grades in at least four (4) courses, or the equivalent of four (4) courses, taken in the preceding semester.</li> <li>2. They shall be deemed deficient in attendance when they drop out of school or accumulate nine (9) unexcused absences in class/classes for the preceding semester. Suspensions shall be considered unexcused absences.</li> </ol> <p>Students whose driving permits are revoked, but later meet the statutory standards for reinstatement, must then have their standing confirmed. School personnel shall make the required report to the appropriate agency.</p> <p><i>Related Policies: 08.221, 09.123</i></p>	

## Attendance Policy

### MONTGOMERY COUNTY ATTENDANCE POLICY

#### COMPULSORY ATTENDANCE

All children in the district who have entered kindergarten or who are between the ages of six (6), as of October 1, and eighteen (18), except those specifically exempted by statute, shall enroll and be in regular attendance in the schools to which they are assigned.<sup>1</sup>

#### EXEMPTIONS FROM COMPULSORY ATTENDANCE

The Board shall exempt the following from compulsory attendance:

1. A graduate from an accredited or approved 4-year high school,
2. A pupil who is enrolled in a private or parochial school,
3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten nursery school,
4. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study,
5. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children, or
6. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children.<sup>2</sup>

#### PHYSICIAN'S STATEMENT REQUIRED

The Board, before granting an exemption, shall require a signed statement as required by law unless a student's individual education plan (IEP) specifies that placement of the child with a disability at home or in a hospital is the least restrictive environment for providing services.<sup>2</sup>

#### EXCEPTIONS TO PRESENCE AT SCHOOL

Students must be physically present in school to be counted in attendance, except under the following conditions:

1. Students shall be counted in attendance when they are receiving home/hospital, institutional, 2 or court-ordered instruction in another setting.
2. Participation of a pupil in 4 H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4 H club leader shall be considered school attendance.<sup>3</sup>
3. Students may participate in co-curricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of the activities. Approval shall be granted only when co-curricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.<sup>4</sup>

4. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in Kentucky Administration Regulation.<sup>4</sup>
5. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.<sup>4</sup>
6. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work required by law. Students shall not be penalized for any school work missed during the specified moral instruction time.<sup>5</sup>
7. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA, that occurs on a regularly scheduled student attendance day shall be counted and recorded present at school on the date or dates of the competition, for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignments missed on the date or dates of the competition.<sup>6</sup>
8. The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.<sup>4 & 7</sup>
9. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.<sup>3</sup>

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

#### **TRUANCY DEFINED**

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

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

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

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

#### **EXCUSED ABSENCES**

An excused absence or tardiness, as listed below, is one for which work may be made up if proper documentation is received within two (2) days of the student's return to school:

1. Death or severe illness in the pupil's immediate family;
2. Illness of the pupil;
3. Student court appearance, (only for the portion of the day required and with documentation from the court);
4. Religious holidays and practices;
5. Student doctor or dentist appointment;
  - Only that portion of the day actually requiring the student to be absent from school shall be excused, based on supporting documentation from the physician, dentist, or other appropriate health professional and as determined by the Principal.
6. Student driver's permit or license tests (only for the portion of the day required and with documentation from the examiner);
7. Student participation in school-related activities including, but not limited to, 4H and participation in or attendance at the Kentucky State Fair, as approved by the Principal;
8. Documented military leave;
9. One (1) day prior to departure of parent/guardian called to active military duty;
10. One (1) day upon the return of parent/guardian from active military duty,
11. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave,
12. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces, or
13. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.



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

Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted.

Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted.

The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures.

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

#### **WRITTEN EXCUSES**

Written excuses from the student's parent/guardian or verification by an appropriately licensed health professional shall be required for all absences. The Principal shall determine the validity of all written excuses or statements.

After five (5) absences, the Principal may require students/parents to provide written verification from a health professional in order for a student to receive an excused absence. Parents/guardians of chronically ill students, students with disabilities, or students with a 504 plan must provide a health professional's statement in order for these students to receive special consideration relative to health profession note requirement.

Advanced written notice to the faculty and administration shall be required for family trips. Parents/guardians must accept the responsibility for helping the student make-up missed work.

#### **SPECIAL CIRCUMSTANCES**

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

#### **OTHER ABSENCES**

- Alternative to Suspension Program (ASP) - Absences from class due to assignment to ASP are excused. Students assigned to ASP are considered present.
- Treatment for Lice - The day a student is sent home for contracting lice will be considered an excused absence. The student will be expected to attend school the next day and will be inspected by the nurse, health aide, or school Principal upon return to school to assure the student is nit-free. Any further absence will be unexcused.
- Suspension - Suspensions are unexcused absences. However, assignments made before the suspension and due during the suspension and assignments made during the suspension and due after the suspension will be accepted on the due date.
- Unexpected Illness - If the school nurse, health aide or Principal determines that a student should not be in school, this will be considered an excused absence for the remainder of the day.

#### **MAINTENANCE OF RECORDS**

At each school, the Principal will designate the person(s) responsible for coordinating contacts with parents and/or guardians and maintaining documentation prior to the tenth (10th) unexcused absence, which is sent to the DPP upon request.

#### **ADMINISTRATION**

Students may be referred to the Court system or the Court Designated Worker by the Director of Pupil Personnel (DPP) by the fourth, but no later than the tenth unexcused absence, provided formal notice has been given by the DPP. Charges against a student between the ages of eighteen (18) to twenty-one (21) shall be referred to the County Attorney for processing as an adult offender.

#### **EXCESSIVE UNEXCUSED ABSENCES**

Referral to the Court System will occur no later than the tenth unexcused absence.

Parents will receive notification about their child's excessive absence via home visit, meeting with school or District personnel, phone call, or other as deemed appropriate by District or school personnel. A documented home visit by the Director/Assistant Director of Pupil Personnel shall be made prior to referral for prosecution.

Documentation of Contact shall show: (1) the name of the person placing the call or making the contact; (2) the date and time of call or contact; and (3) the person spoken to and their relationship to the student.

## **Grievance Procedure**

The Montgomery County Board of Education has adopted policies that provide students with the opportunity to appeal issues regarding equal educational opportunities and educational concerns or practices.

The Superintendent shall develop specific grievance procedures to include, but not be limited to, the opportunity for student grievances to be addressed and resolved at each level from the point of origin, time limitations for the filing and appeal of a grievance, and procedures for the orderly review and appeal of student grievances.

If the Principal and Superintendent cannot successfully resolve grievances, the student may appeal to the Board. 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.

### **EXCEPTION**

Federal law requires the District to implement separate and specific processes for responding to complaints/grievances about Title I programs and to those alleging discrimination in the delivery of benefits or services in the District's school nutrition program. *Related policies: 07.0, 08.13451, 09.42811, 10.2.*

### **Family Education Rights and Privacy Act Notification (FERPA)**

The Family Education 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 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.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is 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 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. Upon request, the district shall disclose education records without consent to officials of another school district in which a student seeks or intends to enroll or to other entities authorized by law.

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

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

5. 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 Ave., SW Washington, D.C. 20202-4605

“Directory Information” is information contained in an educational record which would not generally be considered harmful or an invasion of privacy if disclosed. This information may be released to news media, athletic organizations, scholarship or college entrance committees, or official organizations whose need for data is connected with student help activities. “Directory Information” shall be the student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. The parent, guardian, or eligible student currently enrolled, may request all or part of the directory information be withheld. The request must be in writing to the principal of the child’s school within 30 calendar days after notification has been distributed. The written request must specifically state what information may not be classified as directory information. Each parent and eligible student may obtain a copy of School Board Policy 09.14 concerning student records. School board policies and procedures may be examined in the principal’s office of each school.

### **PPRA Rights Notification**

The Protection of Pupil Rights Amendments (PPRA) affords parents and eligible students (those who are 18 or older or who are emancipated minors) certain rights regarding conduct of surveys, collection and use of information for marketing purposes, and certain physical examinations. These include the right to:

1. Consent before students are required to submit to a survey that concerns one (1) or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Depart. of Education:
  - Political affiliations or beliefs of the student or student’s parents;
  - Mental or psychological problems of the student or student’s family;
  - Sex behavior or attitudes;
  - Illegal, anti-social, self-incriminating, or demeaning behavior;
  - Critical appraisals of others with whom respondents have close family relationships;
  - Legally recognized privileged relationships such as with lawyers, physicians, or ministers;
  - Religious practices, affiliations, or beliefs of the student or the student’s parents;
  - Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
2. Receive notice and an opportunity to opt student out of:
  - Any other protected information survey, regardless of funding;
  - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student (except for any physical exam or screening permitted or required under state law); and
  - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
3. Inspect, upon request and before administration or use:
  - Protected information surveys of student;
  - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - Instructional material used as part of the educational curriculum.

The district shall annually provide parents and eligible students notice of these rights under law in the Student Handbook, the District’s Student Discipline Code, or other avenues designated by the superintendent/designee.

The district shall also notify parents and eligible students at least annually at the start of each school year of the specific or approximate dates of the activities listed above. Notification will provide an opportunity to opt a student out of participating in those activities. Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office, US Dept. of Education  
400 Maryland Ave., SW Washington, D.C. 20202-4605

### **Active Court Paperwork Pertaining to School Decisions**

In order to protect all students in our district, it is important that families provide us with all active court records which pertain to your student while at school or during their involvement in school activities. This may include, but is not limited to: custody orders, protective orders, or other items which may impact day to day operations at schools in our district. We will review documents and work appropriately to accommodate these guidelines.

## **Integrated Pest Management**

“Children are present” means the designated time period between two (2) hours before the start time and forty-five (45) minutes after the dismissal time of the regularly scheduled school day as determined by the school authority under the calendar set by the school Board. Notification by the school to parents or guardians on the registry shall be required if the school authority, after consultation with the certified applicator, determines that a pesticide application is necessary when children are present in the school.

For pesticide applications made when children are present, the school authority shall provide the notification to persons listed on the registry at least one (1) hour prior to the making of the application.

Pesticides may be applied without notification indoors and to outside areas when children are not present.

The area where the point of application of a pesticide occurred shall be posted by the certified applicator regardless of the absence or presence of children.

Each school district in the Commonwealth is required to implement a program of "integrated pest management" with the primary goal of preventing and controlling pests through strategies that may include judicious use of pesticides. The application of pesticides in the school or on school grounds during times when children are present is limited by state regulation, but there may be occasions when, after consulting with a certified pesticide applicator, the school administration determines that a pesticide application is necessary when children are present in the school. As required by state regulation, we have created a registry for parents or guardians who wish to receive an electronic message or telephone call prior to the application of pesticides in the school when children are present. Please provide the school administration your email address or phone number if you wish to be placed on this registry.

## **Montgomery County Schools Student Discipline Code**

*PLEASE READ CAREFULLY AND SIGN*

We have received and read the Montgomery County Student Discipline Code. Any questions either one of us had were presented to a teacher and/or administrator for clarification or additional information.

- ✓ Harassment/Discrimination is prohibited at all times on school property and off school grounds during school sponsored activities. Examples of conduct or action that could be considered a violation of this policy include but are not limited to: Nick names, jokes, vulgar or profane written materials or pictures; unwanted touching, sexual advances, requests for sexual favors, spreading sexual rumors, etc.; causing another student to believe he/she must submit to unwelcome conduct in order to receive educational services or participation in school activities; physical threats (implied, spoken, or written) or acts of aggression or assault based on any of the protected categories described in district policy 09.42811; seeking to involve students with disabilities in inappropriate, dangerous, or criminal activity; destroying or damaging an individual's property based on the protected categories as defined by district policy 09.42811. Students who engage in harassment or discrimination of employees or fellow students on the basis of the prohibited areas shall be subject to disciplinary action including but not limited to suspension or expulsion. Students who believe they have been a victim of harassment/discrimination or who have observed incidents involving the previously listed behaviors should report the incident to the building

principal or another responsible adult. Further information regarding harassment/discrimination can be found in district policy 09.42811.

- ✓ I understand that I will be notified about school-related trips in advance. In the event of an accident or sudden illness while on the school-related trip, I authorize school personnel to contact the physician indicated in my child's medical information to render such treatment as may be deemed necessary in an emergency. In the event the physician, parent, or other persons designated by the parent cannot be contacted, school personnel are hereby authorized to take whatever action is deemed necessary for the health of my child.
- ✓ I have received, read and understand the attendance and discipline policies of the school district and my child's school. Upon initial enrollment I received a school district handbook, which outlines policies, procedures, rules and regulations for the school system. See school attachments. If handbooks are not available at time of enrollment they will be available by the beginning of the school year.
- ✓ The **FERPA** notification policy is located in the Code of Conduct and District Handbook. I acknowledge that I have received a letter which gives me direction on how to withhold student directory information. I understand that unless I follow the guidelines of this letter, student directory information may be released.
- ✓ I have read the Code of Conduct for Montgomery County Schools. I understand it is my responsibility to gain a working knowledge of the policies outlined in parent handbook. I understand the handbook is available online or I may pick up a copy at my child's school.

School Name: \_\_\_\_\_

Homeroom Teacher's Name \_\_\_\_\_

Printed Student Name: \_\_\_\_\_

Student Signature and Date: \_\_\_\_\_

*(If the student is eighteen (18) years of age, the signature of the parent/guardian/custodian is not required).*

Printed Parent Name: \_\_\_\_\_

Parent Signature and Date: \_\_\_\_\_

***Please remove this form from the booklet and return to your child's teacher.***