

# **STUDENT CODE OF CONDUCT**



**2019-2020  
SCHOOL YEAR**

**McCracken County Public Schools  
Paducah, Kentucky**



## **SUPERINTENDENT'S MESSAGE**

Dear Students and Parents:

Welcome to the 2019-20 school year! I am very excited about the great teaching and learning that our students will experience this school year. We have wonderful students in McCracken County and I expect the best from them every day. Our staff is committed to providing the necessary support to ensure all of our students are prepared for a successful year.

One of the ways we can accomplish this is with our McCracken County Public Schools District Code of Conduct. This Code of Conduct booklet contains the behavioral code, dress code, and attendance policies for all schools in our district. The rules and responsibilities contained in the booklet establish the framework for a safe and productive learning environment in which we will provide the knowledge and skills necessary to ensure successful futures for all of our students.

In McCracken County, we strive for excellence in every capacity. The purpose of the Code of Conduct is to assist in providing a school atmosphere where safety is paramount, mutual respect is practiced, and barriers to student learning are removed to help pursue excellence.

I encourage each student and parent/guardian to take time to read and understand the contents of the Code of Conduct. I ask that you please do not hesitate to contact your school principal or any other administrator should you have any questions about the contents of this document or any other needs or concerns.

Let's make this a GREAT school year!

Sincerely,



Steven T. Carter  
Superintendent

# McCRACKEN COUNTY PUBLIC SCHOOLS

5347 Benton Road  
Paducah, Kentucky 42003  
Telephone - 538-4000

Steven Carter, Superintendent

## BOARD OF EDUCATION

Steve Shelby, Chair  
Melanie Burkeen, Vice Chair  
Chris Taylor  
Kelly Walker  
Tiffany Watson

The McCracken County Board of Education expresses appreciation to students, parents, teachers, principals, central office personnel, and local judicial officials for their efforts and contributions to the formulation of this **Student Code of Conduct**.

Revised April 2019

## CODE OF CONDUCT COMMITTEE

Brian Bowland  
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## NONDISCRIMINATION STATEMENT

Students, their parents, employees, and potential employees of McCracken County Board of Education shall not be discriminated against on the basis of an individual's race, color, national origin, age, religion, marital status, political beliefs, sex, genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions in employment programs, vocational programs, or activities set forth in compliance with the Office of Civil Rights, Title VI, Title VII, Title IX, ADA (Americans Disabilities Act), Section 504 of the Rehabilitation Act of 1973. The McCracken County Board of Education provides equal access to the Boy Scouts and other designated youth groups set forth in compliance with the Boy Scouts of America Equal Access Act.

The following person has been designated to handle inquiries regarding the non-discrimination policies:

### 504/ADA

Director of Special Education and/or Director of Personnel  
5347 Benton Road  
Paducah, KY 42003  
(270) 538-4000

### Title IX

Director of Pupil Personnel  
5347 Benton Road  
Paducah, KY, 42003  
(270) 538-4000

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# McCRACKEN COUNTY PUBLIC SCHOOLS

## Student Code of Conduct

### Purpose

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

### Policy Statement

The McCracken County Board of Education's primary concern is that students who wish to learn can do so in an environment conducive to learning. In an attempt to promote this environment, a code of conduct has been developed.

This district **Student Code of Conduct** provides for consistent treatment for all students and fairness as required by constitutional due process. It creates an atmosphere of open communication with clearly understood rules, thus encouraging behavior that will enable the students to develop to their fullest potential. THE CODE OF CONDUCT IS APPLICABLE TO ANY ACTIVITIES ON SCHOOL PROPERTY, AT SCHOOL SPONSORED OR RELATED ACTIVITIES WHETHER ON OR OFF SCHOOL PROPERTY, AND ON SCHOOL PROVIDED TRANSPORTATION, WHETHER WITHIN OR OUTSIDE REGULAR SCHOOL HOURS.

It is expected that sound, fair, and equitable judgement should be considered by students, teachers, principals, parents/legal guardians, and others based upon available and known facts in applying the principles of the **Student Code of Conduct**. THIS POLICY APPLIES TO ALL STUDENTS ENROLLED IN THE McCRACKEN COUNTY SCHOOL SYSTEM.

This **Student Code of Conduct** is the result of expressed concerns on the part of the school as well as the community. It provides for an annual review by the school, community, and the McCracken County Board of Education to ensure an effective document which meets the needs of the total educational community.

### SUPERVISION OF PUPIL'S CONDUCT

1. Each teacher and administrator in the public schools shall, in accordance with the rules, regulations and bylaws of the board of education made and adopted for the conduct of pupils, hold pupils strictly accountable for their conduct on school premises, on the way to and from school, and on school-sponsored trips and activities, including athletic trips.

2. The board of education may use instructional aides in supervisory capacities relating to the supervision and control of the conduct of pupils. Instructional aides shall have the same authority and responsibility as is granted teachers in the performance of the same duties.

## **PHILOSOPHY OF RIGHTS AND RESPONSIBILITIES**

Responsibility is inherent in all rights. No student or other person involved in the public schools can realize his/her rights unless he/she also exercises the self-discipline and care to afford all others the same rights and not allow individual actions to infringe upon the rights of others. In the public schools, students, parents/legal guardians, teachers, administrators, and others in the educational process have the right and responsibility to know the basic standards of conduct and behavior which are expected. The school environment is a community of individuals who live and interact based upon commonly shared rules, rights and responsibilities, expectations, and common sense.

## **RIGHTS AND RESPONSIBILITIES**

### **A. STUDENT RIGHTS. Students have the right:**

1. to an appropriate public education which maintains high educational standards
2. to NOT be bullied
3. to notification of information pertaining to regulations and policies which pertain to their public schooling experiences
4. to reasonable physical protection and safety of their personal property
5. to consultation with teachers, counselors, administrators and other school personnel
6. to examination of their own personal, cumulative school records
7. to permit parents/legal guardians or their authorized representatives to examine personal school records
8. to involvement in school activities without being subjected to any form of discrimination
9. to expect respect from other students and school personnel
10. to presentation of complaints and grievances to proper school authorities and to receive replies from school officials regarding the disposition of their complaints and grievances

### **B. STUDENT RESPONSIBILITIES. Students have the responsibility:**

1. to maintain acceptable conduct at all times
2. to not participate in any form of bullying activities
3. to report any bullying activity to school personnel
4. to abstain from any form of disruptive classroom behavior

5. to practice proper safety procedures while using the building facilities
6. to display consideration for the rights and property of others
7. to abstain from physically attacking or harassing any school employee
8. to refrain from physically attacking classmates
9. to show respect for school authority by avoiding all acts of defiance
10. to avoid the use of verbal abuse with all persons within the school setting
11. to exhibit respect for other opinions by refraining from rudeness or inappropriate or obscene language
12. to abstain from willful disobedience by open rebellion to school regulations and/or school personnel
13. to abstain from the possession and/or use of illegal substances, including alcohol
14. to abstain from use of possession and/or use of tobacco products during school day
15. to abstain from the possession and/or use of weapons, dangerous instruments, fireworks, and other incendiary devices
16. to abstain from gambling, extortion, theft, or any other unlawful activity
17. to refrain from violation of school regulations
18. to refrain from leaving school grounds prior to dismissal for the day
19. to refrain from tardiness
20. to refrain from acts of truancy such as being absent without permission from school and/or class
21. to be in attendance at all regularly scheduled classes
22. to dress in a manner that is not a detriment to the normal school progress and orderly operation of the school
23. to maintain proper hygiene at all times
24. to show respect for the educational process by taking advantage of every opportunity to further their education
25. to refrain from cheating on all academic and/or athletic activities
26. to complete all homework and classwork in accordance with the teachers' instructions
27. To advise the school of changes in household contact information

### **C. TEACHER RIGHTS. Teachers have the right:**

1. to work in a positive school climate with a minimum of disruptions
2. to expect all student assignments to be completed as requested
3. to remove and temporarily transfer responsibility for any student whose behavior **significantly** disrupts the positive school climate
4. to reasonable physical protection and safety of their personal property
5. to be free from verbal abuse
6. to provide input to those with the responsibility of drafting school procedures that relate to their relationships with students and school personnel



7. to receive information from the court when a youth is found guilty of a felony offense or is classified as a violent offender.

**D. TEACHER RESPONSIBILITIES. Teachers have the responsibility:**

1. to present the educational materials and opportunities appropriate to their course
2. to inform students and parents/legal guardians of achievement and progress
3. to plan a flexible course of study which meets the needs of all students
4. to maintain high standards for student academic achievement
5. to administer such disciplinary measures as outlined in this code in order to maintain a positive learning climate
6. to provide feedback on student assignments as soon as possible
7. to exhibit exemplary behavior in terms of dress, action, and voice at school
8. to inform parents/legal guardians of their student's successes, problems, and failures
9. to reward exemplary student work and/or classroom behavior
10. to exhibit a respect for all students
11. to maintain a classroom atmosphere conducive to good behavior
12. to follow the rules and regulations of the board of education and the local school

**E. PARENT/LEGAL GUARDIAN RIGHTS: Parents/legal guardians have the right:**

1. to send their student to a school with a positive educational climate
2. to expect all disruptive behavior to be dealt with fairly, firmly, and quickly
3. to enroll their student in regularly scheduled classes
4. to expect their school to maintain high academic and accreditation standards
5. to examine their student's personal school records
6. to meet/confer with teachers and administrators concerning the educational progress of their student
7. to address grievances to proper school authorities concerning their student and to receive a prompt reply pertaining to the specific grievances
8. to expect student information will be released or discussed only with parent or legal guardian
9. to upon request (and in a timely manner), receive information regarding the professional qualifications of the students' classroom teachers. If parents request the professional qualifications of the students' classroom teachers, this also includes whether a child is provided services by a paraprofessional and, if so, their qualifications.

## **F. PARENT/LEGAL GUARDIAN RESPONSIBILITIES.**

### **Parents/legal guardians have the responsibility:**

1. to instill in their student the need for an education
2. to instill in their student a sense of responsibility
3. to assist their student in understanding the need for a positive school learning environment
4. to become familiar with the educational policies and programs of the McCracken County Board of Education
5. to aid their student in understanding the disciplinary procedures of their school
6. to instill in their student a desire to follow all school policies
7. to see that their student is regular in attendance
8. To inform school officials of any long-term physical or mental illness affecting their student
9. to demonstrate respect for all school personnel at school and related activities
10. to inform school officials of concern pertaining to disciplinary procedures
11. to instill in their student the need for proper and appropriate student attire and hygiene
12. to exhibit concern for the progress and grades of their student
13. to assure that a designated person will meet their preschool or kindergarten student when they exit the bus
14. inform the school of daily absences
15. to advise the school of changes in household contact information

## **G. PRINCIPAL/DESIGNATED ADMINISTRATOR RIGHTS.**

### **Principals/designated administrators have the right:**

1. to expect all participants in the educational process to comply with school and board of education policies
2. to discipline any student who disrupts the educational environment
3. to expect respect from students, parents/legal guardians, and the school staff
4. to release or discuss student information only with parent or legal guardian or other with a legal right to know
5. to receive information from the court when a youth is found guilty of a felony or is classified as a violent offender

## **H. PRINCIPAL/DESIGNATED ADMINISTRATOR**

### **RESPONSIBILITIES. Principals/designated administrators have the responsibility:**

1. to help create and maintain an atmosphere which respects the rights of all participants in the educational process
2. to administer disciplinary procedures fairly and equally in accordance with this conduct code
3. to exhibit exemplary behavior in terms of action, dress and speech
4. to direct the school staff in developing a program which communicates this **Student Code of Conduct** to the school community
5. to demonstrate respect for all school personnel at school and related activities

## MOTOR VEHICLE USE

With parental request and under conditions prescribed by the school Principal and the McCracken County Board of Education, high school students may be permitted to operate motor vehicles on school grounds.

The vehicles must be insured and licensed according to state requirements. The student must have a valid operator's license.

Students will park in designated student parking areas. Students who are improperly parked may be issued a warning. Multiple violations will be dealt with under the Student Code of Conduct, Failure to Follow Staff Instructions and/or a parking citation.

Students that park in a designated Handicap parking space shall display a Disabled Parking Permit at all times. Students may not park in fire lanes, traffic lanes, any non-parking area, or blocking any gate or doorway. Students parked in these areas will be asked to move the vehicle **if circumstances permit.** Motor vehicles parked in these or similar areas are subject to being **towed by the school at the owner's expense.**

The student may not visit the motor vehicle or move it without permission from the Principal or his designee. Upon arrival, students shall exit their vehicle and enter the school building.

Students are required to operate their motor vehicle in a safe courteous manner while on or near the school campus.

**Driving on school grounds is a privilege that may be revoked if conditions are violated. All moving motor vehicles on school property are subject to all Commonwealth of Kentucky traffic laws and students and visitors may be issued moving citations for violations.**

## DISCIPLINARY PROCEDURES

This section of the **Student Code of Conduct** contains the recommended procedures to use in applying disciplinary action to specific conduct offenses. There are six (6) options that may be used ranging from the least severe (Teacher Imposed) to the most severe (Expulsion Recommendation). The level of severity is dependent upon variables such as the circumstance of the offense, the type of offense, the degree of seriousness, and the frequency of the offense.

Due to these variables, a number of the disciplinary response options have been developed for each level of misconduct. These disciplinary response options will allow the teacher, principal or his/her designee to review and recommend the most appropriate action for the student and thus assure that the particular procedure will best fit the problem.

Repeated incident of misbehavior can be referred to the next level of misconduct.

Students may report code violations to any district employee.

## **DISCIPLINARY OPTIONS**

### **A. CLASSROOM DISCIPLINE: Teacher Imposed Option**

Any disciplinary action established by the classroom teacher, principal and School Based Decision Making (SBDM) Council. Teacher Imposed Option would be used for minor misbehavior on the part of the student that impedes orderly classroom procedures or interferes with the orderly operation of the school. These misbehaviors can usually be handled by an individual staff member, but sometimes require the intervention of other school support personnel.

#### **Options MAY Include (not necessarily in order)**

- a. Verbal Warning
- b. Notification to parents/legal guardians by phone, letter, or message
- c. Classroom assertive discipline plan
- d. Loss of privileges
- e. Classroom probation/isolation
- f. Assignment of written punishment
- g. Refer student to principal

**NOTE:** There may be situations in which **ANY** misconduct warrants suspension or a recommendation for expulsion, depending upon the circumstances surrounding the violation and/or the student's past behavior record.

### **B. IN-SCHOOL DISCIPLINE: Principal Imposed Option**

The Principal Imposed Option would be used for misbehavior in which the frequency or seriousness tends to disrupt the learning climate of the classroom or school. These infractions often are continuous even after initial intervention. They require the intervention of administrative personnel because initial disciplinary actions failed to correct the behavior, or because the infraction is more serious.

#### **Options (not necessarily in order)**

- a. ANY option listed in "A" above
- b. Petition/warrant signed (the principal or designee may sign a petition/warrant when a Kentucky Revised Statute is violated)
- c. School Detention
- d. Probation/Written Contract
- e. Restitution
- f. Bus Suspension

**NOTE:** There may be situations in which **ANY** misconduct warrants suspension or a recommendation for expulsion, depending upon the circumstances surrounding the violation and/or the student's past behavior record.

### **C. ALTERNATIVE SCHOOL**

The McCracken County Alternative School is an in-school alternative to suspension program for students assigned by a principal or the McCracken County Board of Education. **These assignments to Alternative School shall not be less than twenty (20) days for middle/high school**

**students, and up to ten (10) days for elementary students. However, the ARC may determine that placement of a middle/high school special needs student will be less than twenty (20) days.** Principals may assign students to Alternative School for more than twenty (20) days only after consultation with the Superintendent/designee.

Students may be required to remain in Alternative School longer than 20 days due to misbehavior, poor attendance, and/or lack of academic progress. All Special Education Regulations will continue to be followed.

Students exhibiting delinquent and pre-delinquent behavior patterns need a highly structured environment in which they can re-evaluate their attitudes, experience growth in self-awareness, and realize the inevitable result of continued improper behavior. The McCracken County Alternative School provides such an environment.

The goals and objectives of the Alternative School are to reduce disruptive behavior, reduce suspensions, reduce drop-out rate, improve the self-esteem of the student, and promote a more positive attitude toward school.

**NOTE:** There may be situations in which **ANY** misconduct warrants suspension or a recommendation for expulsion, depending upon the circumstances surrounding the violation and/or the student's past behavior record.

#### **D. SHORT TERM SUSPENSION (1-5 days)**

The student is suspended (out of school) for no more than five (5) school days. The student will be readmitted to school only after a parent/student/school conference. The superintendent or his/her designee, the director of pupil personnel, and other appropriate persons shall be notified in writing.

**NOTE:** There may be situations in which **ANY** misconduct warrants suspension or a recommendation for expulsion, depending upon the circumstances surrounding the violation and/or the student's past behavior record.

#### **E. LONG TERM SUSPENSION (6-10 days)**

The student is suspended (out of school) for six (6) to ten (10) school days. The student will be readmitted to school only after a parent/school/student conference is held. The superintendent or his/her designee, director of pupil personnel, and other appropriate personnel shall be notified in writing.

**NOTE:** There may be situations in which **ANY** misconduct warrants suspension or a recommendation for expulsion, depending upon the circumstances surrounding the violation and/or the student's past behavior record.

#### **F. EXPULSION RECOMMENDATION**

Misconduct warranting expulsion includes acts that result in violence or which pose a direct threat to the safety or health of self, other persons, or property in the school.

This would include a student who will not conform to the Code of Conduct.

With the exception of the Alternative School, the expelled student is restricted from coming on any property belonging to the McCracken County School System, and is also restricted from attending any extracurricular activity in

any McCracken County School during the period of the expulsion.

These acts may be criminal or so serious that they may require administrative actions that result in the immediate removal of the student from school, the intervention of law enforcement authorities, and action by the McCracken County Board of Education.

School district personnel shall confer with the student/parties concerned as soon as practical. The parents or legal guardians shall be contacted immediately by phone, letter or message.

### **Disciplinary Options Include:**

- a. After consultation with the Superintendent/designee, the student will be suspended, placed in Alternative School, or placed in In-School Detention until a formal expulsion hearing can be arranged. A recommendation for expulsion will be given to the superintendent for presentation to the board of education. The hearing shall be held as soon as practical after the date of the suspension. The superintendent or his/her designee, the director of pupil personnel, and other appropriate personnel shall be notified by letter.
- b. The principal or his/her designee may refer to appropriate law enforcement authorities. When a Kentucky Revised Statute is violated, the principal or his/her designee may sign a petition/warrant.
- c. Students will be expelled to McCracken County Open Campus School to receive educational services. If the board has made a determination, supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff, the expelled student will **NOT** receive educational services at Alternative.

**NOTE:** There may be situations in which **ANY** misconduct warrants suspension or a recommendation for expulsion, depending upon the circumstances surrounding the violation and/or the student's past behavior record.

### **ANTI-HARASSMENT/INTIMIDATION STATEMENT**

McCracken County Board of Education prohibits harassment and/or intimidation against students on the basis of race, color, origin, age, religion, marital status, political beliefs, sex, or disability.

A student is guilty of harassment when with intent to intimidate, harass, annoy, or alarm another person he or she (1) damages or commits a theft of the property of another student; (2) disrupts the operation of the school; or (3) creates a hostile environment by means of any gestures, written or oral communications, (telephone, internet, telegraph, mail, or any other form of electronic or written communication) or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear or physical harm, intimidation, humiliation, or embarrassment. Students should report harassment/intimidation to the building principal/designee.

## PROCEDURES STATEMENT

Students should report any violation of KRS 158.156 of the Code of Conduct to the principal/designee. The principal or designee shall investigate and notify parents/guardians, or others exercising control or supervision of the student when a student is involved in a violation of KRS 158.156. The principal shall notify in writing the local school board and local law enforcement agency or the Department of Kentucky State Police or the County Attorney within forty-eight (48) hours of the original report. The specific contents of the report are listed in KRS 158.156.

Retaliation against an individual who has reported the violation is strictly forbidden. Any incidents of retaliation should be reported to principal.

All students, school employees, parents, legal guardians, or other persons exercising custodial control or supervision will be informed of the Code requirements and consequences by receiving the Code of Conduct booklet.

The Superintendent/designee shall train school employees regarding the requirements of KRS 158.156.

See KRS 525.070, KRS 525.080, KRS 158.156.

### **158.156 Reporting of commission of felony KRS Chapter 508 offense against a student — Investigation — Immunity from liability for reporting — Privileges no bar to reporting.**

- (1) Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the principal of the school attended by the victim. The principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report 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 making the report believes may be helpful in the furtherance of the purpose of this section.
- (2) An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency.
- (3) Anyone acting upon reasonable cause in the making of a report required

under this section in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

- (4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

**Effective:** July 15, 2008

**History:** Created 2008 Ky. Acts ch. 125, sec. 1, effective July 15, 2008.

**158.155 Reporting of specified incidents of student conduct — Notation on school records — Report to law enforcement of certain student conduct — Immunity.**

- (1) 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 for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs. The sworn statement or affirmation shall be sent to the receiving school within five (5) working days of the time when the student requests enrollment in the new school.
- (2) If any student who has been expelled from attendance at a public or private school in this state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs requests transfer of his records, those records shall reflect the charges and final disposition of the expulsion proceedings.
- (3) If any student who is subject to an expulsion proceeding at a public or private school in this state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs requests transfer of his records to a new school, the records shall not be transferred until that proceeding has been terminated and shall reflect the charges and any final disposition of the expulsion proceedings.
- (4) 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:
  - (a) The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
    1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
      - a. Carrying, possession, or use of a deadly weapon; or



- b. Use, possession, or sale of controlled substances; or
- 2. Any felony offense under the laws of this Commonwealth; and
- (b) 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.
- (5) A person who is an administrator, teacher, supervisor, or other employee of a public or private school who receives information from a student or other person of conduct which is required to be reported under subsection (1) of this section shall report the conduct in the same manner as required by that subsection.
- (6) Neither the husband-wife privilege of KRE 504 nor any professional-client privilege, including those set forth in KRE 506 and 507, shall be a ground for refusing to make a report required under this section or for excluding evidence in a judicial proceeding of the making of a report and of the conduct giving rise to the making of a report. However, the attorney-client privilege of KRE 503 and the religious privilege of KRE 505 are grounds for refusing to make a report or for excluding evidence as to the report and the underlying conduct.
- (7) Nothing in this section shall be construed as to require self-incrimination.
- (8) A person acting upon reasonable cause in the making of a report under this section in good faith shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:
  - (a) Making the report; and
  - (b) Participating in any judicial proceeding that resulted from the report.

**Effective:** June 26, 2007

**History:** Amended 2007 Ky. Acts ch. 85, sec. 167, effective June 26, 2007. — Amended 2004 Ky. Acts ch. 185, sec. 2, effective July 13, 2004. — Amended 11996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. — Created 1994 Ky. Acts. ch. 471, sec. 1, effective July 15, 1994.

**Legislative Research Commission Note (7/15/94).** A comma has been added after the second use of the word "premises" in paragraph (b) of subsection (4) of this statute. The drafter of 1994 Ky. Acts ch. 471 advises and the context clearly establishes that the omission of this comma in that Act was a manifest clerical or typographical error. See KRS 7.136(1)(b).

## **525.070 Harassment.**

- (1) A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she:
  - (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact;
  - (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact;
  - (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present;
  - (d) Follows a person in or about a public place or places;
  - (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or

- (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event;
  - 1. Damages or commits a theft of the property of another student;
  - 2. Substantially disrupts the operation of the school; or
  - 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.
- (2) (a) Except as provided in paragraph (b) of this subsection, harassment is a violation.
- (b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 125, sec. 4, effective July 15, 2008. — Amended 1996 Ky. Acts ch. 345, sec. 3, effective July 15, 1996. — Created 1974 Ky. Acts ch. 406, sec. 217, effective January 1, 1975.

### **525.080 Harassing communications.**

- (1) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she:
  - (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;
  - (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or
  - (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.
- (2) Harassing communications is a Class B misdemeanor.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 125, sec. 5, effective July 15, 2008. — Created 1974 Ky. Acts ch. 406, sec. 218, effective January 1, 1975.

### **Bullying – Definition**

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:

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

This 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.

Bullying includes actions such as making threats, spreading rumors, attacking someone physically, through oral or written communication including the use of electronic devices, by theft or destruction of the property of another, or by excluding someone from a group on purpose. These actions occur in a manner which a reasonable person under the circumstances should know would serve no legitimate purpose. Such actions could cause fear of physical harm, intimidation, humiliation, or embarrassment. These actions may create a hostile environment and disrupt the operation of the school.

### **Reporting Violations/Retaliation:**

Students, staff and parents shall inform school administration of bullying incidents. Those reporting may report the incident directly or anonymously through the Safety Tipline, Online Prevention that is located under the Quick Links tab on the McCracken County Public Schools website [www.mccracken.kyschools.us](http://www.mccracken.kyschools.us). Retaliation against persons reporting bullying, violations of the student code, or incidents for which reporting is required under KRS 158.156 is prohibited and a student or District employee engaging in retaliatory conduct shall be subject to disciplinary action.

## **CONDUCT WARRANTING DISCIPLINARY ACTION**

The code of conduct is applicable to any activities on school property, at school sponsored or related activities whether on or off school property, and on school provided transportation, whether within or outside regular school hours. Many of the items defined in the code of conduct are considered behaviors that are disruptive to the educational process. Such behavior will not be tolerated and shall subject the offending student to appropriate disciplinary action. Board policy 09.426 broadly defines disrupting the educational process.

### **Assault Related Offense**

1st Degree Assault (KRS 508.010), 2nd Degree Assault (KRS 508.020), 3rd Degree Assault (KRS 508.025), 4th Degree Assault (KRS 508.030)

### **Abuse of School Personnel**

Directing speech or conduct toward school personnel when one should know the speech or conduct will disrupt or interfere with normal school activities. (KRS 161.190)

### **Academic Cheating/Plagiarism**

Includes knowingly deceiving or attempting to deceive school district personnel for the purpose of academic gain.

### **Academic Noncompliance**

A student that fails to, in a timely manner, complete instructional tasks assigned by the teacher.

### **Alcohol Related Offense**

Applies to the use, possession, distribution, attempt to use, possess or distribute, or selling any beverage with alcoholic content by a student.

**Arson**

Any intentional burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft.

**Bullying**

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:

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

This 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. Students who believe they have been a victim of bullying or who have observed other students being bullied shall as soon as is reasonably practical report it to a member of the school staff.

**Bus Rule Violation**

Includes behavior that is disruptive to the safe, orderly operation of vehicles used in the transportation of students.

**Contributing to a Fight**

To verbally or otherwise try to encourage a student to bully, intimidate, hit, or fight another student.

**Criminal Abuse**

The abuse of an individual defined in KRS 508.100, 508.110 and 508.120.

**Dangerous Instrument Possession**

Includes the use, possession, or attempt to use or possess any instrument such as fireworks, chemical sprays, knives, razor blades, tasers, clubs, chains, or the like, that can be used to inflict bodily injury to another person or themselves.

**Disorderly Conduct**

Includes intentionally engaging in a course of conduct that creates inconvenience, annoy or alarm. Such behavior may include violent or tumultuous behavior, unreasonable noise, or creation of a hazardous or physically offensive condition by any act that serves no legitimate purpose.

**Disrespectful Behavior**

Any behavior which interferes with the learning process or is otherwise inappropriate in a school setting.

**Disruptive Behavior**

Includes behavior that is disruptive to the educational environment or the orderly operation of the school. Disruptive behavior can include loud arguments, confrontations, pushing, shoving, spitting, hitting or other disruptive behavior that serves no legitimate purpose.

**Dress Code Incident**

Includes failing to adhere to the student dress code established in the student code of conduct and/or the dress code established by the school SBDM.

**Driving Under the Influence**

Operating a motor vehicle with a blood alcohol concentration at or above 0.08 for those above 21 and 0.02 for those under age 21; or while under the influence of alcohol or other substance which impairs driving ability.

**Drug Related Offense**

Applies to the use, possession, distribution, attempt to use, possess or distribute, or selling of any substance such as amphetamines, barbiturates, crack/cocaine, hallucinogens, heroin (opioids), inhalants, look-alike drugs, marijuana, methamphetamine, narcotics, prescription, over-the-counter, steroids (anabolic), synthetic, and other drugs.

**Failure to Attend Detention**

Includes students intentionally failing to attend assigned detention after the student has received notification.

**Failure to Follow Staff Instructions**

Is the refusal to comply with reasonable requests of school personnel or refusal to comply with the school rules.

**Fighting Student-to-Other**

Student to Other (physical aggression) - is the willful engagement of physical contact for the purpose of inflicting harm or injury to another person.

**Fighting student-to-Staff**

Student to Staff (physical aggression) - is the willful engagement of physical contact for the purpose of inflicting harm or injury to a staff member.

**Fighting Student-to-Student**

Student-to-Student (physical aggression) – is the willful engagement of physical contact for the purpose of inflicting harm or injury to another student.

**Forgery**

Occurs when a person, with intent to defraud, deceive or injure another, falsely makes, completes or alters a written instrument.

**Fraud**

Is obtaining money or property by false pretenses.

**Gambling**

Gambling includes any participation in games of chance for the express purpose of exchanging money items of monetary value.

**Harassing Communications**

The communication can be by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.

**Harassment**

Includes behavior based on race, color, national origin, age, religion, sex, disability, marital status, or sexual orientation that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's educational environment.

**Inappropriate Sexual Behavior**

A person is guilty of inappropriate sexual behavior when he or she subjects another person to sexual contact with or without consent of the other person. In addition, inappropriate sexual behavior may include sexual remarks, name calling, indecent exposure, stories, jokes, pictures, video, and photographs with or without consent which may or may not be electronically transmitted, or objects that are offensive to one's gender, requests for sexual favors and spreading sexual rumors. This may also include inappropriate public display of affection.

**Leaving Campus**

Includes unauthorized leaving the school grounds. Students must receive authorization from the principal or designee before leaving the school grounds.

**Menacing**

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

**Possession of Stolen Property**

To receive, retain, or dispose of movable property of another knowing that it has been stolen, or having reason to believe that it has been stolen.

**Profanity or Vulgarity**

This misconduct applies to the student's use of language that is irreverent, vulgar, or offensive.

**Sex Related Offenses**

Includes the following sexual offenses: distribution/possession of pornography, Indecent Exposure, Prostitution, Rape, Sexual Abuse, Sexual Assault, Sodomy or other sexual related offenses defined in chapters 510, 529 and 531 of the Kentucky Revised Statutes.

**Skiping Class**

Includes purposefully missing a portion of a school day when school is in session.

**Skiping School**

Includes purposefully missing a school day when school is in session.

**Stalking**

To stalk means to engage in an intentional course of conduct that is directed at a person or persons which seriously alarms, annoys, intimidates, or harasses the person or persons and which serves no legitimate purpose.

**Stealing**

Includes taking of property of others without their consent; the possession of stolen property, or possession without the owner's permission; or the stealing of school property.

**Tardy to Class**

Includes failure to report to class prior to the tardy bell.

**Terroristic Threat Related**

As defined by KRS 508.075, 508.078, and 508.080 which may include the following; threat(s), bomb, chemical, biological or nuclear.

**Threatening Another Student**

Any statement, communication, conduct or gesture, including those in written form, directed toward another student that causes reasonable apprehension of physical harm to person or property.

**Threatening Staff**

Relates to any threat of intentional injury or damage to a staff member or their property.

**Tobacco Related Offense**

The distribution, possession or use of any tobacco product in any form (smoking or smokeless), alternative nicotine product, or vapor product as defined by KRS 438.305 is prohibited on school property. This policy applies to any student who is a participant or observer in a school sponsored activity. This policy includes tobacco paraphernalia (matches, lighters, vapor device, electronic cigarette, etc.).

**Trespassing**

When a person knowingly enters or remains unlawfully in a dwelling, a building or in or upon premises.

**Truancy**

Absence or tardy without a valid excuse is considered unexcused. Three unexcused absences or three unexcused tardies is considered a truancy violation.

**Under the Influence**

Includes all offenses of intoxication (with the exception of driving under the influence). In Kentucky, this offense equates to alcohol intoxication and/or public intoxication, which occurs when a person appears in a public place manifestly under the influence of alcohol, a controlled substance or other intoxicating substance.

**Vandalism**

Includes the destruction, defacing, marring or arson of property located on school premises or owned by the board of education. The student or the student's parent/guardian will be responsible for restitution.

**Verbal Abuse**

using abusive or demeaning language to attack or injure an individual, this could include but not limited to talking back, name calling, creating socially rude interactions.

**Violation of Acceptable Use Policy**

Violating the district's Electronic Access/User Agreement. The inappropriate use of district or school technology resources, including district network systems and use of district/school equipment.

**Violation of Personal Electronic/Telecommunication Device**

Inappropriate use of personal devices, such as but not limited to cellular phones, digital picture/video cameras and/or phones and other personal electronic devices.

**Wanton Endangerment**

To wantonly engage in conduct which creates a substantial danger of physical injury to another person defined by KRS 508.060 and 508.070.

**Weapon Related**

The distribution, possession or use of weapons including; firearms, deadly weapons, destructive devices, booby trap devices, and look-alike weapons.

**Other: to include but not limited to other violations of the law**

All students shall obey all laws of the Commonwealth of Kentucky. There are certainly other acts of misbehavior or violation of criminal laws or school regulations that are not included in this list. In such instances, disciplinary action will be at the discretion of the principal, principal's designee, the superintendent, superintendent's designee, the Board of Education. Violations of law may also result in separate charges being filed by law enforcement agencies (McCracken County School Resource Officers, McCracken County Sheriff Department, Kentucky State Police, etc.).

**Gangs or Gang Related Activities**

This misconduct includes but not limited to the following:

No student, on school property or at any school sponsored activity, shall wear, possess, use, distribute, display, or sell any clothing, medallions, or other jewelry, insignia, emblem, badge, patch, symbol, sign, tattoo (whether permanent or temporary), or other elements which identify a gang or which are evidence of membership or affiliation in any gang or which otherwise disrupts the academic process.

No student, on school property or at any school sponsored activity, shall engage in conduct or use any speech, whether verbal or non-verbal (e.g., gestures, hand signals, handshakes, etc.) showing membership or affiliation in a gang when such conduct or speech is intended to cause disruption, or when one knows or has reason to believe that such conduct or speech arouses fear, alarm, resentment, anger, hostility or violence.



No student, on school property or any school sponsored activity, shall use any speech or commit any act or omission which is disruptive, intimidating, or threatening, including but not limited to, the following gang related activities:

- a. Soliciting membership in, or affiliation with, any gang.
- b. Soliciting any person to pay for “protection” or threatening any person, explicitly or implicitly, with any other illegal or prohibited act.
- c. Pointing, writing, tattooing or otherwise inscribing gang related graffiti, messages, symbols, or signs, on school property or personal property of others during school sponsored activities.
- d. Engage in violence, extortion, or any illegal act or other violation of school policy.
- e. Soliciting any person to engage in physical violence against an student or school employee or visitor (whether during school or school sponsored activity or on the way to or from a school sponsored activity) or inciting others to act with physical violence.
- f. Copying or distributing any gang related material on school property or at school sponsored activities.
- g. Marching, congregating, massing together with the intent to disrupt or intimidate when one has reason to believe that such conduct will arouse fear, alarm, resentment, anger, hostility, or violence. Such meetings or congregations are contrary to the purpose of the educational institution.
- h. Recruiting another student for gang membership, or who is found to be threatening, insulting, or intimidating another student into joining a gang or preventing another student from getting out of a gang.



<b>MCPS Code of Conduct BEHAVIOR VIOLATIONS</b>	<b>Teacher imposed</b>	<b>Principal Imposed</b>	<b>Short Term Suspension 1-5 days</b>	<b>Long term Suspension 6-10 days</b>	<b>Alternative School</b>	<b>Expulsion Recommended</b>
Assault Related Offense			X	X	X	X
Abuse of a Teacher			X	X	X	X
Academic Cheating/Plagiarism	X	X	X	X	X	X
Academic Noncompliance	X	X	X	X	X	
Alcohol Related Offense		X	X	X	X	X
Arson		X	X	X	X	X
Bullying		X	X	X	X	X
Bus Rule Violation		X	X	X	X	X
Contributing to a Fight		X	X	X	X	X
Criminal Abuse			X	X	X	X
Dangerous Instrument Possession		X	X	X	X	X
Disorderly Conduct		X	X	X	X	X
Disrespectful Behavior	X	X	X	X	X	X
Disruptive Behavior	X	X	X	X	X	X
Dress Code Incident	X	X	X	X	X	X
Driving Under the Influence			X	X	X	X
Drug Related Offense		X	X	X	X	X
Failure to Attend Detention		X	X	X	X	X
Failure to Follow Staff Instructions	X	X	X	X	X	X
Fighting Student to Other (physical aggression)		X	X	X	X	X
Fighting Student to Staff (physical aggression)		X	X	X	X	X
Fighting Student to Student (physical aggression)		X	X	X	X	X
Forgery		X	X	X	X	X
Fraud		X	X	X	X	X
Gambling		X	X	X	X	X
Gangs or Gang Related Activities		X	X	X	X	X
Harassing Communications		X	X	X	X	X
Harassment		X	X	X	X	X

<b>MCPS Code of Conduct BEHAVIOR VIOLATIONS</b>	<b>Teacher imposed</b>	<b>Principal Imposed</b>	<b>Short Term Suspension 1-5 days</b>	<b>Long term Suspension 6-10 days</b>	<b>Alternative School</b>	<b>Expulsion Recommended</b>
Inappropriate Sexual Behavior	X	X	X	X	X	X
Leaving Campus		X	X	X	X	X
Menacing			X	X	X	X
Possession of Stolen Property		X	X	X	X	X
Profanity or Vulgarity	X	X	X	X	X	X
Sex Related Offense		X	X	X	X	X
Skipping Class	X	X	X	X	X	
Skipping School		X	X	X	X	
Stalking			X	X	X	X
Stealing	X	X	X	X	X	X
Tardy to Class	X	X	X	X	X	
Terroristic Threat Related		X	X	X	X	X
Threatening Another Student	X	X	X	X	X	X
Threatening Staff		X	X	X	X	X
Tobacco Related Offense		X	X	X	X	X
Trespassing		X	X	X	X	X
Truancy		X	X	X	X	
Under the Influence			X	X	X	X
Vandalism		X	X	X	X	X
Verbal Abuse		X	X	X	X	X
Violation of District Acceptable Use Policy	X	X	X	X	X	X
Violation of Personal Electronic/Telecommunication Device Policy	X	X	X	X	X	X
Wanton Endangerment			X	X	X	X
Weapon Related Offense			X	X	X	X
Other: to include but not limited to other violations of the law		X	X	X	X	X

## **REGULATIONS FOR STUDENTS RIDING SCHOOL BUSES**

The privilege of any student to ride a school bus is conditional upon his/her good behavior and observance of the following rules and regulations. When a student violates any of these rules and regulations, the principal of the school which the student attends will take necessary corrective action.

1. The driver is in full charge of the bus and the students, as long as students are on the bus. Students shall obey the driver promptly.
2. Students shall occupy the space designated for them by the driver.
3. Students shall be visible upon bus arrival. The bus cannot wait for those who are not on time.
4. Students are never to stand in the road while waiting for the bus.
5. Students are not to deposit waste paper or other rubbish on the bus.
6. Students are not to mar or otherwise deface the bus.
7. Students are not allowed to carry a knife or any sharp instrument on the school bus. If this occurs, the driver is to take the knife or instrument to the principal's office.
8. Students are not to start to school when sick.
9. The following activities are prohibited at all times:
  - a. improper behavior to include: insolence, disobedience, vulgarity, foul language, fighting, pushing, shoving or similar offensive acts
  - b. eating or drinking on the bus (candy, gum, etc.)
  - c. throwing articles or objects in or from the bus
  - d. tampering with mechanical equipment, accessories or controls of the bus
  - e. placing musical instruments or other articles at the door by the driver
  - f. obstructing the aisle in any manner
  - g. occupying more space in a seat than required
  - h. opening or closing windows without permission of driver
  - i. bringing toys, glass, etc. on the bus
  - j. bringing animals, reptiles, rodents, etc. on the bus
  - k. spitting on the floor of the bus
10. Students are to avoid unnecessary conversation with the driver.
11. Students are to keep arms and heads inside the bus windows at all times.
12. Students are not to leave the bus without the driver's consent at home or at school.
13. Students are not to leave their seats unless getting on or off the bus or unless authorized by the bus driver.
14. Students are to report to the driver at once any damages to the bus.
15. Students are to walk on the left side of the road, facing the traffic.
16. When students must cross the roadway to enter or exit from the bus, they shall not cross the roadway until signaled to do so by the bus driver.

17. If a student is to exit the bus at a stop other than the designated regular stop, parental consent must be given to the school office.
18. If a student is a guest on a bus, written permission must be signed by a parent and approval must be given by the school office, or the superintendent's designee.
19. For safety reasons, when students are required to cross the roadway when entering or exiting the school bus, these roadway crossings shall be made in front of the bus. The students shall cross the roadway a distance of approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.
20. Should the conduct of a student on the bus endanger the lives of other people, and the offending student fails to cease such conduct when requested by the bus driver to do so, it shall be the duty of the driver to put the offender off the bus and report his or her action to the principal immediately. This should be done only in extreme cases and as a last resort to protect the safety of the other students.
21. Any complaints of drivers, students, or parents not specified in the above regulations, shall be reported promptly to the principal and director of transportation.
22. Any student refused admission to school due to parasites, communicable disease, or other health related problems may be refused bus transportation until being examined and readmitted to the school.
23. The bus driver shall discharge pupils at their regularly scheduled stops only, except with written authorization from the Principal or Superintendent to discharge a pupil at another location.

No preschool, kindergarten, first grade or severely disabled student shall exit the bus unless received by a properly credentialed adult or accompanied by a 4th grade or older student that resides at the residence. Students will be returned to school if not properly received. Continued violations may result in the suspension of all transportation privileges and/or the notification of child welfare agencies.

The Principal shall have written authorization from a child's parents before permitting discharge at a location other than the regular stop.
24. Any student suspended from bus riding for disciplinary reasons will be suspended from **ALL** transportation privileges (including provided transportation for extracurricular activities).
23. A student in violation of the behavior code or the student behavior creates unsafe driving conditions may be reported to the principal of the school in which they attend. The resolution for disciplinary infractions while riding a bus may be principal imposed up to expulsion.

## **DUE PROCESS**

Due process includes those rights which accrue to a student accused of violating school regulations and which may be brought to his or her defense at a disciplinary conference or hearing pending possible suspension or expulsion from school.

### **Pupil Suspension and Expulsion**

It is necessary to maintain the pupil's contact with a continuous program of education, either in the classroom setting or in a specifically arranged program under the direction of the administration.

The pupil's needs will be considered as well as the requirements of the institution. The underlying causes of a pupil's behavior should be considered, along with his or her actions and attitudes.

All pupils admitted to the McCracken County Schools shall comply with the lawful regulations for the government of the schools.

The superintendent, principal, assistant principal, or head teacher of any school may suspend a pupil for up to ten (10) school days for violations and shall report such action in writing immediately to the superintendent and to the parent/legal guardian or other person having legal custody or control of the pupil.

A principal may assign a student to the Alternative School to continue his/her education under more restrictive conditions for a period of time to be determined by the director of the Alternative School, based on progress and behavior of the student.

A pupil shall not be suspended from the McCracken County Schools until after at least the following due process procedures have been provided.

- a. The pupil has been given oral or written notice of the charge or charges against him or her which constitute cause for suspension.
- b. The pupil has been given an explanation of the evidence of the charge or charges if the pupil denies them.
- c. The pupil has been given an opportunity to present his or her own version of the facts relating to the charge or charges.

These due process procedures shall precede any suspension from the McCracken County Schools unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases, the due process procedures outlined above shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension. A conference should be held between the official who meted out the suspension and the pupil and his or her parents, or legal guardians, prior to readmission.

If a high school student is suspended from school, he or she is automatically suspended from all other McCracken County Schools including WKCTC and Paducah Tilghman Area Vocational School.

If a student is suspended from a McCracken County School, that student is automatically barred from all extracurricular activities in the county schools.

The board of education may expel any pupil for misconduct, but such actions

shall not be taken until the parent/guardian, or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the board. The decision of the board shall be final.

## **DUE PROCESS PROCEDURES FOR SPECIAL EDUCATION STUDENTS REGARDING SUSPENSION AND EXPULSION**

### **Suspension**

Special education students who create a disruption or dangerous situation for themselves or others may be temporarily **suspended** from school without the special education change of placement procedure as long as the following due process procedures are followed:

1. The student has been given oral or written notice of the charge or charges against him or her which constitute cause for suspension.
2. The student has been given an explanation of the evidence regarding the charge or charges if the student denies said charge or charges.
3. The student has been given an opportunity to present his or her own version of the facts related to the charge or charges.

These due process procedures are for suspensions and are the same procedures for **all** students.

These due process procedures shall precede any suspension from the common schools unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases, the aforementioned due process procedures shall follow the suspension as soon as possible, but no later than three (3) school days after suspension. Attention to this issue should be made by the Admission & Release Committee as soon as reasonably possible.

Suspension of exceptional children as defined in KRS 157.200, for more than a total of ten (10) days during a school year shall constitute a change of educational placement and education service and IEP services shall continue. The Principal shall recommend to the ARC a change of placement to the Alternative School.

If the admissions and release committee determines that an exceptional child's behavior is a manifestation of his disability, the child shall not be suspended beyond ten (10) days or expelled.

A district may seek temporary injunctive relief through the courts if the parent and the other members of the Admissions and Release Committee cannot agree upon a placement and the current placement will likely result in injury to the student or others.

### **Expulsion**

The Admissions and Release Committee should convene prior to the expulsion procedures of any special education student. The ARC should include the Director of Special Education, the parents/guardians of the student, the principal or designee, a special education teacher, and possible support personnel.

The ARC must make the following determinations:

1. Are the student's IEP and program placement appropriate and being fully implemented?
2. Is the student's handicapping condition the basis of the discipline problem?

If the ARC concludes that a. the IEP is appropriate and fully implemented, b. the placement is appropriate and c. the handicapping condition is not the basis of the student's inappropriate behavior, then the ARC should give these written determinations to the superintendent and the board of education. The ARC is limited solely to answering these determinations and is not to address the expulsion issue.

A student **may** not be expelled if the ARC determines that the handicapping condition is the basis of the discipline problem and the suspension must be lifted immediately. The ARC would need to consider changes in the student's program which might result in more appropriate behavior.

Even if the student is expelled through appropriate procedures, there must **not** be a complete cessation of educational services. Alternative services **must** be provided.

## **ATTENDANCE**

The progress of a student at school depends greatly on the punctuality and regularity of attendance. There is a direct relationship between attendance and achievement; a day of school missed can never be entirely made up. We firmly believe that attendance is a student/parent/legal guardian responsibility. The intent of this attendance procedure for the McCracken County Schools is to provide a structure within which students can gain maximum benefit from the instructional program.

All students are expected to attend class every day that school is in session. When a student must be absent from school, **it is the responsibility of the parent/legal guardian to call the school by 10:00 a.m. to inform the principal/designee of the reason for the absence.** The parent/legal guardian may also send a written excuse with the student when he or she returns to school.

Kentucky Compulsory School Law

1. Each parent, legal guardian, or other person residing in the state and having in custody or charge of any child who has entered the Primary school program (K-3) or any child between the ages of 6 and 18 shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session, or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between 6 and 18 when the child has reached his sixth birthday and not passed his eighteenth birthday. (KRS159.010).
2. A student that has reached their eighteenth (18) birthday who wishes to terminate his public or non-public education prior to graduating from high school



shall do so only after a conference with the principal or his designee. Every child that is actually a resident in this state is subject to the laws relating to compulsory attendance, and neither he nor the person in charge of him shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonable or that his parent is a resident of another state.

**Any McCracken County Public School student who is absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days is considered a truant. Written notification will be sent to the parent/guardian from the school.**

**Truancy statutes state that students who have been reported as truant two or more times is a habitual truant.**

## **ABSENCES**

### **Definition**

1. Absence is the missing of all or any part of the school day. This includes all scheduled activities such as homeroom, classes, assemblies, pep rallies, lunch, recess, etc.
2. Students are not absent when participating in school activities which have been authorized by the McCracken County Board of Education and which are a definite part of the instructional program of the school.
3. Students are not absent when participating in school related activities.
4. Students of all ages must remain at school at all times or obtain permission from the office to leave. Students leaving campus during the school day without permission will be subject to disciplinary action.
5. Excused absences include:
  - a. illness of the student
  - b. death in the immediate family (The immediate family is defined as parents, siblings, grandparents, sister-in-law, brother-in-law, without reference to the location or residence of said relative, and other blood relatives who reside in the student's home.)
  - c. authorized school activities
  - d. religious holidays
  - e. court summons
  - f. testing for driver's permit or license
  - g. medical provider excuse (The District shall excuse up to ten (10) absence events with doctor/medical excuse/notes. Any absence events

due to medical reasons in excess of ten (10) shall require the submission of the District's Medical Excuse Form before the absence will be excused.)

- h. one day for attendance at the Kentucky State Fair
- i. documented military leave
- j. one day prior to departure of parent/guardian called to active military duty
- k. one day upon return of parent/guardian from active military duty
- l. other valid reasons as determined by the principal, including trips qualifying as educational enhancement opportunities.
- m. ten (10) days for students attending basic training required by a branch of the United States Armed Forces (This must be included due to new legislation passed by the General Assembly in the Spring of 2016)
- n. other absences for good cause will be determined by the principal

Absences for reasons other than those listed above will be considered unexcused. **(If a student receives an excused absence, the student shall accept responsibility to see the teacher and ask what work is to be made up.)**

For the specific School Based Decision Making Policy on absences and makeup work, see individual school policy.

- 6. Unexcused absences include:
  - a. truancy
  - b. indifference of parent/legal guardians
  - c. working
  - d. transportation (missed bus)
  - e. suspension
  - f. oversleeping
  - g. juvenile detention/jail
  - h. babysitting
  - i. skipping school (all or any part of day)
  - j. other (any that is deemed unexcusable by the school personnel)
  - k. unauthorized leaving school grounds for any period of time
- 7. Absences due to head lice – Any student sent home from school by school personnel due to the presence of head lice, including nits or live bugs, shall be excused by the principal for that school day. Students are expected to receive the appropriate treatment and return the next school day free of head lice. Without other valid excuse, an unexcused absence will be issued to a student that does not return the next day or a student that returns with the presence of head lice.
- 8. Truancy  
Any student who has entered the primary program or any child who has attained the age of six (6) years, but has not reached his or her twenty-first (21) 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. KRS 159.990 states that persons responsible for noncompliance of the statute **shall be fined one hundred dollars (\$100) for the first offense, and two hundred fifty dollars (\$250) for the second offense.**

- a. Attendance procedure: The sixth day or as soon as practicable after the truancy, the parent/legal guardian of any student under sixteen years of age who is absent without sufficient documentation will be referred to the director of pupil personnel for due process actions.
- b. Parents responsible for student's violations: Every parent, legal guardian or custodian of a student residing in any school district in this state is legally responsible for any violation of Law or Board Policy by the student. Before any proceedings are instituted against the parent, legal guardian, or custodian for violation of Law or Board Policy, a written notice of the violation shall be served on the person by the director of pupil personnel, and one (1) day shall be given for the termination of the violation. After such notice, if the violation is continued or if the provisions of Law or Board Policy are again violated during the school term by the student, no further notice shall be necessary and the parent/legal guardian shall be accountable. A notice by certified mail, return receipt requested, or by personal service by the director of pupil personnel shall be a legal notice.
- c. Students over sixteen: Any student over sixteen (16) years of age who is absent six (6) days from school without sufficient documentation will be subject to suspension and referred to the director of pupil personnel for due process actions by the superintendent's office which may result in a recommendation for expulsion.
- d. Students with medical appointments during the school day will be given an unexcused absence or unexcused tardy until a statement is received from the doctor. A student may be given an excused absence a total of five (5) **events** per year due to illness without a doctor's statement. Other than these five (5) **events**, all absences due to illness will require a doctor's statement for the absence to be counted as excused. A student may be given an excused tardy a total of five (5) times per year without a doctor's statement. Other than these five (5) excused tardies, all tardies will require a doctor's statement for the tardy to be counted as excused. Medical statements for tardies and absences must be received within 24 hours upon a student's return to school or withdrawal from school to be counted as excused. Excuses brought to school after the 24 hour period will not be considered.

## **SECURING HOMEWORK ASSIGNMENTS WHEN ABSENT**

When a student is absent one day, parents may call the school office before 10:00 a.m. and request homework to be given.

This homework can be picked up between 2:30 and 3:30 p.m. in the office, or by calling the homework hotline, if available.

## **IN-SCHOOL DETENTION**

Students have the responsibility for conducting themselves appropriately while under the authority of school officials. When misconduct does occur, school officials have the authority/responsibility to punish the student.

The In-School Detention Program is designed to deal with students who have misbehaved or are guilty of a minor infraction of the **Code of Conduct**. This is an alternative-to-suspension program that allows students to atone for their misconduct, reflect upon the actions that got them into trouble, and not get behind in their studies.

Since this program is offered for the benefit of students, certain minimal standards of decorum and behavior are expected. Students participating in In-School Detention will exhibit good behaviors, good attitudes, and remain busy throughout the day. The proctor may deduct points for misbehavior or inactivity; persistent problems may result in the suspension of the student.

## **DRESS CODE**

Proper appearance has been shown to have a high relationship to behavior. Students and parents must accept the responsibility concerning this matter. Students will dress according to weather, health, safety, and school activities. Dress and hair styles that are an extreme variation of those generally prevailing in the community and/or those that tend to disrupt the academic process and orderly operation of the school will not be acceptable.

1. See through mesh clothing, and tube tops are not permitted and proper underclothing must be worn but not be visible.
2. Hats, caps, or other head coverings are not to be visible during the school day or on the school bus except as authorized by the school administration.
3. Students are to wear footwear at all times, and footwear will be appropriate for the activity.
4. Blouses and shirts must meet skirts, slacks, or pants. The midriff must not show.
5. Clothing and accessories (jewelry, belt buckles, necklaces, etc.) with obscene, crude or rude pictures, or sayings pertaining to drugs, alcohol, tobacco, extreme violence, sex, or gangs are not permitted.
6. Attire or piercings deemed inappropriate by the principal or his/her designee is not permitted.
7. Court assigned electronic monitoring devices are to be covered by long pants at all times.
8. Additional dress code requirements may be determined by your school's council.

## SEARCH AND SEIZURE

Lockers are property of the school and are subject to the board of education's regulation and supervision. Locker inspection or searches are not carried out as a harassment technique, but as a duty when the health, safety, or welfare of students is involved. K-9 units and/or law enforcement will be used to search lockers, parking lots, buildings, and grounds. In a search and seizure situation the following procedures shall be followed:

1. A student's person will be searched when there is reasonable suspicion that the student is concealing evidence of an illegal act or school violation.
2. Students are subject to search by metal detectors, either stationary or hand-held in the following instances: To search an individual when there is reasonable cause to believe that students possess weapons at school and when; Weapons have been found at school; Violence involving weapons has occurred at school; Conditions exist in the community that may result in students bringing weapons to school; To search all students entering the premises; To search students on a random basis..
3. Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the student's possession by a staff member. These items may be returned to the student by that staff member or through the office.
4. A general inspection of school properties such as lockers, desks, etc., may be conducted on a regular basis. During these inspections, items which are school property may be collected. (Example: overdue library books) Any package (such as, but not limited to backpacks, gym bags, band instrument cases, or any package capable of concealing a weapon) may not be brought on school property unless both the student and parent consent in writing to the search of the package at any time by any school personnel.
5. All items which have been seized will be turned over to proper authorities or returned to the true owner, depending on the situation. The student will have the opportunity to be present when a search of personal possessions is to be conducted unless: (1) the student is absent from school, or (2) school authorities decide that the student's presence could endanger the student's health and safety, or (3) other good cause.

**The United States Supreme Court, on January 15, 1985, ruled that a school administrator may search a student if he/she has reasonable grounds to believe that the search will turn up evidence of violation of the law or rules of the school and the nature and scope of the search is related to its object, to the age and sex of the student, and to the severity of the infraction.**

## CLOSED CAMPUS

All students, regardless of age, are to be confined to the school grounds during the hours that school is in session, including the lunch period, unless students have written permission signed by the parent and approved by the principal. There will be no unauthorized leaving of the school building or campus. Prior approval must be obtained by the school principal or his/her designee. Students assisting other students' and visitors' unauthorized entry into the building may be subject to disciplinary action.

## SCHOOL VISITORS

The McCracken County Board of Education encourages citizens to visit the schools as often as practicable. Each visitor shall report to the school office to get authorization for his/her presence in the building, sign-in and receive a visitor's tag, so as not to disrupt school programs. Students are not allowed to bring a friend/guest without prior approval of the principal or his/her designee.

## TERMS AND DEFINITIONS

**Admissions and Release Committee (ARC)** - A committee of school personnel and parent(s) authorized to plan special education program placement for identified students.

**Alternative School** - An alternative to suspension program.

**Appeal** - The procedure a student may use to seek a change in a decision rendered by school personnel.

**Bullying** - As defined in detail on page 17.

**Co-Curricular Activities** - Those activities that take place outside the six (6) hour instructional day and are directly related to an instructional class for which the student receives a grade.

**Criminal Violation** - An act which is an offense defined by Kentucky Revised Statutes.

**Detention** - A disciplinary program where students are kept for a period of time before school, after school, or during school.

**Disability** - A mental or physical limitation requiring special education services.

**Exceptional Students** - Students identified as needing extra school services for educational or physical reasons.

**Expulsion** - The removal of a student from school by the Board of Education for a period not longer than one (1) school year. The expulsion may be carried over into the subsequent year.

**Extortion** - The use of a threat or protection from a threat to solicit money or anything of value.

**Extracurricular Activities** - Those activities that normally take place outside the six (6) hour instructional day and are under the supervision of an assigned certified employee.

**Gang** - A group of individuals who share a unique name, identifiable marks or symbols, claim territory or "turf", associate on a regular basis, and engage in anti-social behavior. A gang is any non-school sponsored group whose membership may be secret or exclusive and whose purpose, practices, or intent is to commit violent or illegal acts, or disrupt academic process.

**Grievance Procedure** - A fair, step-by-step approach to address complaints and concerns through the school system.

**Habitual Truant** - Any student who has been reported as a truant two (2) or more times is an habitual truant. KRS 159.990 states that persons responsible for noncompliance of the statute **shall be fined one hundred dollars (\$100) for the first offense, and two hundred fifty dollars (\$250)**

**for the second offense. McCracken County Public Schools will consider each unexcused absence over sixty (60) minutes, as an unexcused event. After three (3) unexcused events the student is considered truant and written notification will be sent to the parent/guardian from the school.**

**The truancy statutes state that after six (6) unexcused events the student is considered habitually truant.**

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

**Individual Education Program (IEP)** - A written document developed by a committee (teachers, principals, parents, etc.), which specifies the regular education, special education, and related services needed to meet the needs of a student with disabilities.

**Legal Guardian** - A person entrusted with the care of a student by order of a court.

**Make-Up Work** - Academic assignments completed by a student to fulfill missed class work assigned during absence.

**Probation, School-Imposed** - A disciplinary action, including the understanding that further violations of school policy or continued disruption of the educational process could result in suspension or expulsion.

**Procedural Due Process** - The procedure guaranteed for a student accused of a behavior violation which includes explaining the charges and allowing an ample opportunity for response to the charges.

**School-Based Decision Making** - Provision of the Kentucky Education Reform Act designed to improve education by transferring decision making to the school level.

**Search** - Inspection by school officials of the property students may have on their person, in desks, lockers, or automobiles when reasonable evidence indicates a possible violation of a school rule, board policy, or law.

**Superintendent** - Individual employed by the Board of Education to oversee the operation of the school system.

**Suspension** - Removal of the student from the school setting for a period not to exceed ten (10) school days.

**Tardiness** - A student will be considered tardy if he/she misses 60 minutes or less of the day by arriving late, leaving early, or a combination of the two.

**Threat** - Any threat of intentional injury or damage.

**Truant** - Any student enrolled in a public school who has entered the Primary School Program or who has attained the age of six (6) years, but has not reached his or her twenty-first (21) 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.



The **Student Code of Conduct** handbook is reviewed annually by the McCracken County Board of Education to determine if amendments and revision are necessary.

**McCracken County Public Schools**  
**2019-2020 Calendar**

M	T	W	T	F	<b>AUGUST</b>	<b>19 DAYS</b>
			1	2	August 5	(½ Opening Day / ½ Registration)
5	6	7	8	9	August 6	Fixed PD
12	13	14	15	16	August 7	Fixed PD
19	20	21	22	23	August 8	No School
26	27	28	29	30	August 9	First Day for Students

M	T	W	T	F	<b>SEPTEMBER</b>	<b>21 DAYS</b>
2	3	4	5	6	September 2	Labor Day
9	10	11	12	13	September 6	Midterm First Quarter
16	17	18	19	20	September 11	1 <sup>st</sup> Quarter Midterm Reports Issued
23	24	25	26	27		
30						

M	T	W	T	F	<b>OCTOBER</b>	<b>18 DAYS</b>
	1	2	3	4	October 4	End of First Quarter
7	8	9	10	11	October 7-11	Fall Break
14	15	16	17	18	October 18	1 <sup>st</sup> Quarter Report Cards Issued
21	22	23	24	25		
28	29	30	31			

M	T	W	T	F	<b>NOVEMBER</b>	<b>19 DAYS</b>
				1	November 5	General Election - No School
4	5	6	7	8	November 13	Midterm Second Quarter
11	12	13	14	15	November 15	2 <sup>nd</sup> Quarter Midterm Reports Issued
18	19	20	21	22	November 27	Parent / Teacher Conference (NS)
25	26	27	28	29	November 28	Thanksgiving Holiday
					November 29	KEA District Professional Day (NS)

M	T	W	T	F	<b>DECEMBER</b>	<b>16 DAYS</b>
2	3	4	5	6	December 21	End of Second Quarter
9	10	11	12	13	December 23-	Christmas Break - No School
16	17	18	19	20	January 3	
23	24	25	26	27	December 25	Christmas - Holiday
30	31					

—continued on next page



					<b>JANUARY</b>	<b>22 DAYS</b>
M	T	W	T	F	January 1	New Year's Day - Holiday
		<u>1</u>	<u>2</u>	<u>3</u>	January 2	Flexible PD - No School
<u>6</u>	7	8	9	<u>10</u>	January 3	Flexible PD - No School
13	14	15	16	17	January 6	Classes Resume
<u>20</u>	21	22	23	24	January 10	2 <sup>nd</sup> Quarter Report Cards Issued
27	28	29	30	31	January 20	Martin Luther King Jr. Day No School

					<b>FEBRUARY</b>	<b>19 DAYS</b>
M	T	W	T	F	February 5	Midterm Third Quarter
3	4	<u>5</u>	6	<u>7</u>	February 7	Midterm 3 <sup>rd</sup> Quarter Reports Issued
10	11	12	13	14	February 17	President's Day - No School
<u>17</u>	18	19	20	21		
24	25	26	27	28		

					<b>MARCH</b>	<b>21 DAYS</b>
M	T	W	T	F	March 6	End of Third Quarter
2	3	4	5	<u>6</u>	March 12	3 <sup>rd</sup> Quarter Report Cards Issued
9	10	11	<u>12</u>	<u>13</u>	March 13	No School
16	17	18	19	20		
23	24	25	26	27		
30	31					

					<b>APRIL</b>	<b>17 DAYS</b>
M	T	W	T	F	April 6-10	Spring Break
		1	2	3	April 15	Midterm Fourth Quarter
<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	April 17	Midterm 4 <sup>th</sup> Quarter Reports Issued
13	14	<u>15</u>	16	<u>17</u>		
20	21	22	23	24		
27	28	29	30			

					<b>MAY</b>	<b>15 DAYS</b>
M	T	W	T	F	May 19	Primary Election - No School
				1	May 21	Last Day for Students
4	5	6	7	8	May 22	Closing Day
11	12	13	14	15	May 25	Memorial Day
18	<u>19</u>	20	<u>21</u>	<u>22</u>		
<u>25</u>	26	27	28	29		

					<b>JUNE</b>	
M	T	W	T	F	Make Up Dates	March 13, May 22, May 26, May 27, May 28, May 29, June 1, June 2, June 3
1	2	3	4	5		
8	9	10	11	12		
15	16	17	18	19		
22	23	24	25	26		
29	30					

**187 DAYS TOTAL**

## **2019-2020 CALENDAR**

Aug. 5	½ Opening Day, ½ Registration
Aug. 6	Fixed Professional Development
Aug. 7	Fixed Professional Development
Aug. 9	First Day for Students
Nov. 27	Parent/Teacher Conference/No School (Parent/Teacher Conference may be scheduled prior to this date.)
Jan. 2	Flexible Professional Development
Jan. 3	Flexible Professional Development
May 21	Last Day for Students
May 22	Closing Day

176	Teaching Days
4	Holidays**
1	Opening Day
4	Professional Development Days
1	Parent/Teacher Conference Day
1	Closing Day
<hr/>	
187	Total Days

**Sept. 2	Labor Day Holiday
Nov. 28	Thanksgiving Holiday
Dec. 25	Christmas Holiday
Jan. 1	New Year's Holiday

Designated Make-up Weather Days will be made up in the following order: March 13, May 22, 26, 27, 28, 29, June 2, 3

Nov. 5	General Election
May 19	Primary Election
May 25	Memorial Day





STEVEN CARTER  
SUPERINTENDENT