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This is to Certify that the Code of Acceptable Behavior and Discipline was reviewed and approved by Legal Counsel Winter Huff.

**RULES FOR USE**

The following rules and procedures are followed to increase understanding of appropriate student conduct:

1. Review, formulate, and revise the Student Discipline Code for the School, on an annual basis, using the following steps:
	1. Each homeroom teacher shall review and discuss the Student Discipline Code with the students the first week of school.
	2. The principal and faculty committee shall review the code annually.
	3. The principal shall review all suggested changes, revise the rules of conduct for the school, and send it to the Superintendent for suggestions and Board action.
2. Copies of the Student Discipline Code for the school are to be given to all students and faculty.
3. Students are to be informed as to the “why” of the rules through assemblies, homerooms, the school newspaper, personal contact, and other available means.
4. Parents are to be informed by newsletter, PTA/PTO meetings, personal contact, and other available means.
5. The rules of conduct are to be enforced impartially by the principal and staff.
6. For the purposes of this document, parent will mean parent, legal guardian, or student if the student is a competent adult.
7. Policies and Procedures referenced in this document are Board approved policies and procedures. As policies and procedures are revised, the information in this handbook is subject to change. Therefore, if you have a question about a provision in the Code, please cross-reference the current version of any referenced policies and related procedures, as those will be the controlling authorities. You can obtain the current version of all duly adopted policies and procedures in the Central Office or the office of each school.

**POLICY**

**SOMERSET BOARD OF EDUCATION NON-DISCRIMINATION**

The Somerset Board of Education is required by law to notify all parents of our non-discrimination policy. We must also be able to prove that you have been notified. Therefore, please read and sign the confirmation of Receipt of Code on page 67 and return to your child’s school.

**NON-DISCRIMINATION STATEMENT**

The Somerset Board of Education, which promulgates policy and manages the Somerset Independent Schools, does not discriminate on the basis of race, color, national or ethnic origin, age, religion, political affiliation, marital status, genetic information, sex, or disability in course offerings or employment practices in accordance with Title VI, Title II, or the Vocational Education Amendments of 1976 and section 504 of the Rehabilitation Act.

**GRIEVANCE PROCEDURES:**

Persons who feel they have been discriminated against or denied an opportunity based on the race, color, national or ethnic origin, age, religion, political affiliation, marital status, genetic information, sex, or disability in a school program and/or employment have the right to file a formal complaint. Any student who wishes to express an educational concern or grievance shall observe the following order of appeal: Teacher, Principal, and School Council (where appropriate), Superintendent, Board. Students or their parents must file their grievance within fifteen

(15) school days following the alleged violation. The written notice should identify the nature of the violations, the date and location the violations occurred, and be signed by the person making the complaint. The person receiving the complaint (teacher, principal, council, or superintendent) shall notify the complainant in writing within five (5) days from the date of receipt of the notice the action that was taken. Step 2 – If the complainant is not satisfied with the action taken at that level, the complainant may appeal in writing by notifying the person designated at the next level, within ten (10) days of the action taken in Step 1. The written notice must contain the nature and dates of the grievance, and a description of action taken at the previous level by the complainant and the person providing the response. At the final local level of appeal, the Board Chairman will notify the complainant of the decision of the board within five (5) school days from the receipt of the complaint of the action taken. Step 3 – If the complainant is not satisfied with the action taken at the local level, the complainant may notify within ten (10) school days of the local decision the Secretary of the State Board of Education, Department of Education, Capital Tower Plaza, Frankfort, Kentucky 40601. The written notice must identify the grievances of alleged violations, the dates they occurred, and a description of the action taken at the school and local levels by the complainants, the school level designated persons, the Superintendent of Schools, and the local Board of Education, along with copies of notifications the complainant received at each level. The Secretary of the State Board of Education will notify the Complainant in writing within twenty (20) school days of the date of the complaint of the action taken. Step 4 – In the event that the complainant is still not satisfied with the action taken, the complainant may write the Director for Office of Civil Rights, 101 Marietta Tower, Atlanta, Georgia, 30323. If appeals are not made, it is assumed the decision at the level is accepted.

Superintendent

Section 504 Coordinator

305 College Street

Somerset, KY 42501

(606) 679-4451

**PURPOSE**

The purpose of this handbook is to provide a concise outline of rights and responsibilities of students in the Somerset Independent School System and of those people, including parent/guardian and school personnel, directly involved in the education process.

**POLICY STATEMENT**

The Board of Education’s primary concern is that students who wish to learn can do so in an environment conducive to learning and the disciplinary means be employed on behalf of those who would destroy or deny such an environment. In an attempt to promote this environment a “Code of Acceptable Behavior and Discipline” has been developed.

The “Code of Acceptable Behavior and Discipline” provides for consistent treatment for all pupils, fairness as required by due process procedures and an atmosphere of open communication and clearly understood rules; and encourages behavior that will enable pupils to develop to their fullest potential. Students will be responsible for the code in school, at school sponsored or related activities and on school buses.

It is expected that sound, fair and equitable judgment should be considered by pupils, teachers, principals, parents/guardians, and others in applying the principles of the “Code of Acceptable Behavior and Discipline”. This policy applies to all students enrolled in the Somerset Independent School System.

The “Code of Acceptable Behavior and Discipline” is the result of expressed concerns of citizens of Somerset and the state, and was written by a committee of parents, students and educators. It provides for an annual review by the school community and the Board of Education to ensure an effective document which meets the needs of our community.

The “Code of Acceptable Behavior and Discipline” shall be distributed to all students and custodial parents of school age children in our district. Furthermore, during the first week of school, students will receive orientation of the “Code of Acceptable Behavior and Discipline” in general assemblies as well as classrooms to ensure comprehension of the contents.

**PHILOSOPHY STATEMENT FOR DISCIPLINE CODE**

We believe that parents, educators, and students must cooperate in order to meet the goals of the Somerset Independent School System in regards to its educational programs. It is important that parents, educators and students know their rights and responsibilities. This document is to be used as a resource for parents, educators, and students in better understanding their rights and responsibilities. It is our hope that the discipline code will be a positive instrument for our community and its schools. It is also our hope that this code will be followed and enforced by parents, educators and students as we work together to provide a better education for the students of our community.

**STATEMENT OF COMPLIANCE WITH TITLE IX, TITLE VI, AND SECTION 504 OF THE EDUCATION AMENDMENT**

## OF 1972.220.01

The Somerset Board of Education does not discriminate on the basis of sex in the educational program or activities that it operates and is required by Title IX of the educational amendments of 1972 (PL-318), not to discriminate in such manner. Further, the Board of Education does not discriminate on the basis of disability, in treatment, admission of access to, or employment in, its programs or activities as required by the Rehabilitation Act of 1973 (PL-112), as amended, Section 504, nor does the Board of Education discriminate on the basis of race, color, national or ethnic origin, age, religion, political affiliation, marital status, or genetic information in the educational programs or activities it operates.

Any person having inquiries concerning the Somerset Board of Education’s compliance with Title IX may contact the following person who has been designated to coordinate efforts to comply with Title IX.

Superintendent

Somerset Independent Schools 305 College Street

Somerset, KY 42501

**PARENTS AND GUARDIANS RIGHTS /RESPONSIBILITIES**

Under the democratic system, an existence of individual rights is unquestionable. Parents and guardians have legal rights in the education of their children from kindergarten through high school. These rights are of two kinds, both equally important: the rights that parents have on their own, as parents and the rights they have as agents for their children. Equally unquestionable is the necessity of corresponding responsibilities. It is to those principles that this Code of Parents and Guardians Rights/Responsibilities is directed.

**PARENT AND GUARDIAN RIGHTS**

All parents and guardians of un-emancipated students and as may otherwise be provided under applicable law and herein have the rights and responsibilities to:

1. Be respected as an individual regardless of race, color, creed, national origin, economic status, sex age, marital status, disability, and religion.
2. Be treated with courtesy by all members of the school staff.
3. Secure as much assistance and educational assessment as is available from the school district to further the progress and improvement of their child.
4. Expect that the school environment is a place that has a positive climate for learning and total development of the individual.
5. Expect classroom disruptions to be dealt with firmly and quickly and to be informed of due process procedures affecting their child.
6. Expect the school to guide the student in the development of proper study habits at home.
7. Expect school personnel to keep attendance daily and inform parents/guardians of any absenteeism or chronic tardiness.
8. Inspect the child’s cumulative record in conformity with current guidelines and to receive, upon request, names and addresses of all persons or agencies outside the school system that have been given information about their child.
9. Be informed of the academic requirements of any course and school program and of the grading and promotion policies.
10. Have access to and be informed about other school policies and administrative decisions and participate in meaningful parent-teacher conferences to discuss their child’s progress and welfare.
11. Have access to and be informed about all programs for exceptional children.
12. Consent to the placement, in accordance with established guidelines, of their child in a special education class unless proper due process procedures are followed to effect a placement without such consent.
13. Expect school personnel to notify parents/guardians of important school news and messages, particularly as they relate to children.
14. Be familiar with all school rules and regulations and the consequences for violation of these rules and regulations.
15. The term “guardian” as used herein shall mean a duly appointed guardian by a court of competent jurisdiction.

**PARENT AND GUARDIAN RIGHTS (CONTINUED)**

1. Notices as described herein shall be furnished to the parents, or primary custodial parent, or guardian as applicable. However, all parents whose rights have not been terminated or whose rights to access information are not otherwise affected by a court order shall still have full rights to access information about their child. In the event of a court order which restricts or prohibits that right of access in any way, or affecting any other parental right herein, it shall be the responsibility of the primary custodial parent or guardian to furnish a certified copy of any such court order to the principal of the school.
2. Non-immigrant foreign students shall be deemed to designate their host adult(s) as their parent/guardian for all purposes hereunder.

**PARENT AND GUARDIAN RESPONSIBILITIES**

1. Individually accept the role and obligation of a parent/guardian as the primary educator of my child.
2. Cooperate with, show respect to, and lend support to the teachers, administrators, and other school personnel.
3. Provide for the physical needs of my child and inform the school of any significant physical or emotional problems, chronic illnesses, or concerns, which might affect my child’s behavior and performance.
4. Prepare my child emotionally and socially to make him/her receptive to learning and discipline.
5. Develop in my child a positive self-concept, self-respect, and self-confidence, a respect for the rights of others and good citizenship.
6. Talk with my child about schoolwork and behavior and encourage my child to develop proper study habits at home.
7. Be certain that my child is in school every day and encourage him/her to be on time to each class in which he/she is enrolled.
8. Review my child’s cumulative record yearly and challenge any inaccurate portion of my child’s records.
9. Understand and support school requirements, rules, and policies, and be knowledgeable of the consequences of violations of same.
10. Maintain contact with the school staff through conferences, messages, or appointments made through the school office.
11. Work for the success and the improvement of the school program.
12. Actively participate in the recommending of policies proposed for adoption by the Somerset Independent Schools’ Board of Education.

**STUDENT RIGHTS AND RESPONSIBILITIES**

Under the democratic system, an existence of individual rights is unquestionable. Equally unquestionable is the necessity of corresponding responsibilities. It is to those principles that this Code of Student Rights and Responsibilities is directed.

**STUDENT RIGHTS**

1. Students, until they have either successfully completed a twelve-year education program or reached the age of 21 years, whichever comes first, are entitled to receive a free public education.
2. Students have the right to receive academic grades based only on academic performance.
3. Students have the right to make up work, if possible, upon returning to school from an excused absence.
4. Eligible students as defined by applicable law and other students with their parents’/guardians’ written consent have the right to inspect, review and transfer their educational records, including the right to challenge any misleading or inaccurate statements contained in their records.
5. Students are guaranteed the right to freedom of expression as related to speech, assembly, appearance, publication, and the circulation of petitions and literature, recognizing, however, that no right is absolute, including freedom of expression and assembly, which cannot be exercised to interfere with the orderly educational process.
6. Students are entitled to freedom from verbal and/or physical abuse by other students, faculty members, school administrators, and other school personnel.
7. Students have the right to organize or to have membership in groups/clubs within the school so long as the group/club follows established Board of Education guidelines, does not disrupt the orderly educational process, and does not discriminate against any student because of sex, religion, age, race, national origin, economic status, marital or parental status, disability and/or veteran status.
8. Students are guaranteed the right of procedural due process when any charge or accusation has been made against them.
9. Students and/or their parents or guardians have the right to appeal any action taken by the school, which they feel is unfair or inequitable regarding any of the rights listed in this document. Students and/or their parents or guardians also have the right to file a complaint when they feel the student has been discriminated against because of race, color, sex, age, religion, national origin, economic status, marital or parental status, disability and/or veteran status.
10. Students are entitled to certain privacy rights upon which they may rely pertaining to the records of students and such records shall not be distributed in a manner inconsistent with those rights.

**STUDENT RESPONSIBILITIES**

1. Become informed of and adhere to reasonable rules and regulations established by local boards of education and implemented by school administrators and teachers.
2. Respect the human dignity or worth of every other individual.
3. Refrain from libel, slanderous remarks, and obscenity in verbal and written expression.
4. Study diligently and maintain the best possible level of academic achievement.
5. Be punctual and present in the regular school program to the best of his/her ability.
6. Dress and groom in a manner that meets reasonable standards of health, cleanliness and safety.
7. Help maintain and improve the school environment, preserve school property, and exercise the utmost care while using school facilities.
8. Refrain from disobedience, misconduct or behavior that disrupts the educational process.
9. Respect the reasonable exercise of authority by school administrators and teachers in maintaining discipline in the school and at school sponsored activities.
10. Continue or become actively involved in one’s education, understanding of people and preparation of adult life.
11. To refrain from willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault, battery or abuse of other students or alcohol or drugs, stealing or destruction or defacing of school property or personal property, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property as well as off school property at school sponsored activities.

**EDUCATOR RIGHTS AND RESPONSIBILITIES**

Democracy provides for constitutional rights for all citizens. Educators in the Somerset Independent School System accept the constant challenge of expressing their rights while at the same time honoring and upholding their responsibilities. The following is a statement of these rights and responsibilities as they relate to discipline in the schools.

## Educators have the right to:

* 1. Due process as provided by law.
	2. Participate in the decision-making process as it affects performance (policy and decision making).
	3. A guarantee of constitutional rights.
	4. Be respected by the Board of Education, fellow employees, students, parents, and citizens.
	5. A person’s life and privacy when not on school time or duties.
	6. Function freely within the program so long as board policy and standards are kept.
	7. Accept adequate facilities, supplies and materials for the educational program.
	8. Obtain information promptly concerning changes in assignment and program.
	9. Receive adequate and fair compensation based on resources available.

**EDUCATOR RIGHTS AND RESPONSIBILITIES (CONTINUED)**

* 1. Participate in all public meetings pertaining to school programs, publicity and performance.
	2. Expect students to behave and act according to acceptable standards.
	3. Expect all students to complete all classroom assignments.
	4. Expect students to perform academically to the best of their ability.
	5. Expect the removal of any student whose behavior disrupts learning or violates standards of conduct.
	6. Cooperation and support in all aspects of the school program from students.
	7. Support from fellow educators and the Board of Education and in all areas of the program.
	8. Evaluation of their performance in an objective, formative manner.

## Educators have the responsibility to:

1. Develop and implement the total school program for the intellectual development of all students.
2. Be accountable for effective educational programs.
3. Instill a high system of values in students.
4. Accept each child as a worthy human being capable of making a good life for himself/herself.
5. Prepare a child to have the best possible life for himself/herself.
6. Provide experiences for success in learning for every student.
7. Prepare students for life experiences and to perpetuate culture and value.
8. Instill in our children a deep understanding of American democracy and understanding of man and his aspirations.
9. Prepare all children and youth to become better able to care for themselves and to cope effectively with society and environment.
10. Prepare children and youth to be self-reliant members of the community.
11. Make responsible recommendations to the local Board of Education regarding subjects to be taught with input from parents and the community within the guidelines established by the State Board of Education.
12. Decide the most effective method of teaching from among approved and accepted models.
13. Work cooperatively with all others involved in the program.
14. Inform parents of all aspects of the school program but more specifically of their child’s performance and behavior (mid-point deficiency report in all subjects to parents).
15. Maintain all records required and mandated by law.
16. Carry out policies, rules and regulations of the State Department of Education and local Boards of Education.
17. Hold pupils to a strict accounting for their conduct.
18. Participate and contribute to the establishment of standards for promotion and retention of students.

**EDUCATOR RIGHTS AND RESPONSIBILITIES (CONTINUED)**

1. To conduct himself/herself in such a manner in the community as to be as example of good citizenship.
2. To conduct himself/herself in such a manner at all times during the life of the employment contract of teacher as to prevent the teaching profession from being brought in to disrepute.

**ADULT/EMANCIPATED STUDENT**

Any student attaining his or her majority (the age of eighteen) or who is otherwise emancipated under applicable law during or prior to attendance in the Somerset Independent School System shall have the right to notify the Principal and the Superintendent of the intent of that adult student to have all future notices mailed to that adult student at

a stated address and, to the extent that parental assistance may be otherwise provided for or considered in the “Code of Acceptable Behavior and Discipline”, that said adult student desires to participate on his/her own behalf without the participation of a parent or guardian. In the absence of such written specific notification, adult students enrolled in the Somerset Independent School System shall be deemed to have appointed their custodial parents as their agents and representatives for all purposes set forth in the “Code of Acceptable Behavior and Discipline”, but nothing herein shall be construed to prohibit the school system from dealing directly with an adult or emancipated student.

#

Inspection of Board Records 01.6

Inspection of Records

Residents\* of the Commonwealth desiring to examine records that are not exempt from public disclosure may do so during regular working hours. Regular working hours shall be posted at the main entrance of the Central Office.

The principal office of the District is located at 305 College Street, Somerset, Kentucky, 42501.

The official custodian/designee to whom requests for access to records should be submitted is at Kyle B. Lively and email address is kyle.lively@somerset.kyschools.us.

Fees for hard copies shall be 10 cents a page. Fees for other media (if applicable) shall be based on actual cost to the District.

The requesting party shall submit a written application that shall:

* be signed;
* include the applicant’s name printed legibly;
* include mailing address (and email address if applicable); and
* include a statement of the manner in which the applicant is a resident of the Commonwealth of Kentucky.\*

The applicant shall hand deliver, mail, send via facsimile, or send via email the written application to the custodian/designee at the above address describing the records the applicant wishes to access. Written requests comporting with the above or the written form set forth in regulation by the Kentucky Attorney General may be utilized by the requesting party.

Unless a longer period applies under state law or Executive Order, a response by or on behalf of the District is due within five (5) days (not including weekends or holidays) of receipt of the request. If records are in active use or storage or otherwise unavailable, the District response will explain in detail the cause for a delay beyond five (5) days and state the earliest date on which the records will be available. Requests may be denied if the records are exempt from disclosure under [KRS 61.878](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/061-00/878.pdf&requesttype=krs) or if the request imposes an unreasonable burden or is intended to disrupt essential functions of the District as provided in [KRS 61.872](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/061-00/872.pdf&requesttype=krs).

A resident of the Commonwealth may inspect public records during regular office hours. If s/he resides outside the county and precisely describes the responsive records, s/he may receive responsive, nonexempt records by mail upon the District’s receipt of copying fees and costs of mailing.

#

Inspection of Board Records 01.6 (CONTINUED)

Inspection of Records (continued)

Applicants requesting copies of public records for a commercial purpose ([KRS 61.874](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/061-00/874.pdf&requesttype=krs)) shall provide a certified statement to the District stating the commercial purpose for which the records shall be used and shall be required to enter into a contract with the District. The contract shall state the fee required by the District to produce copies to be used for a commercial purpose.

\*Resident is defined under KRS 61 870(10) as: an individual residing in the Commonwealth; a domestic business entity with a location in the Commonwealth; a foreign business entity registered with the Kentucky Secretary of State; an individual that is employed and works at a location or locations within the Commonwealth; an individual or business entity that owns real property within the Commonwealth; any individual or business entity that has been authorized to act on behalf of an individual or business entity described above; or a news-gathering organization as defined in [KRS 189.635](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/189-00/635.pdf&requesttype=krs)(8)(b)1.a. to e.

Weapons 05.48

This policy applies to students, staff members, and visitors to the school.

Weapons Prohibited

Except where expressly and specifically permitted by Kentucky Revised Statute, the carrying, bringing, using, or possessing any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle or at any school-sponsored activity is prohibited.

Violation of this policy by staff members shall constitute reason for disciplinary action, including possible termination.

Violation of this policy by students shall require that the Principal immediately make a report to the Superintendent, who shall determine if charges for expulsion from the District schools should be filed under Policy 09.435. In addition, when they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a firearm in violation of the law or assault involving the use of a weapon.

Violations by visitors shall be reported to a law enforcement agency.

Exceptions:

* Each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.2
* An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in [KRS 527.070](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/527-00/070.pdf&requesttype=krs).
* Law enforcement officials, including peace officers and police as provided in [KRS 527.070](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/527-00/070.pdf&requesttype=krs) and [KRS 527.020](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/527-00/020.pdf&requesttype=krs), are authorized to bring weapons onto school property in performance of their duties.

Federal Requirements Regarding Students

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

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

State Posting Requirements

The Superintendent shall post the following notice in prominent locations in the schools, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias. The notice shall be at least six (6) inches high and fourteen (14) inches wide and shall state:

Weapons 05.48 (CONTINUED)

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR ($10,000) FINE.1

The above criminal penalty shall not apply to those persons listed in [KRS 527.070](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/527-00/070.pdf&requesttype=krs) (3).

State Reporting Requirements

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon on 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.

For state reporting purposes, a deadly weapon shall be defined as:

1. a weapon of mass destruction;
2. any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged;
3. any knife other than an ordinary pocket knife or hunting knife;
4. billy, nightstick or club;
5. blackjack or slapjack;
6. nunchaku karate sticks;
7. shuriken or death star; or
8. artificial knuckles made from metal, plastic, or other similar hard material.

Employees who receive information from a student or other person regarding conduct required to be reported shall report the conduct in the same manner as stated above.

Enforcement

In the enforcement of this policy, principals may authorize, if they have reasonable suspicion, searches in compliance with applicable Board policies.

References:

1[KRS 527.070](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/527-00/070.pdf&requesttype=krs); [KRS 158.150](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/150.pdf&requesttype=krs); 20 U.S.C. §7141 (Gun‑Free Schools Act),2[KRS 158.4414](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/4414.pdf&requesttype=krs), 18 U.S.C. §921(a), [KRS 158.154](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/154.pdf&requesttype=krs), [KRS 158.155](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/155.pdf&requesttype=krs); [KRS 160.290](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/160-00/290.pdf&requesttype=krs); [KRS 160.340](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/160-00/340.pdf&requesttype=krs); [KRS 161.790](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/161-00/790.pdf&requesttype=krs), [KRS 237.106](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/237-00/106.pdf&requesttype=krs): [KRS 237.110](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/237-00/110.pdf&requesttype=krs); [KRS 237.138](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/237-00/138.pdf&requesttype=krs) to [KRS 237.142](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/237-00/142.pdf&requesttype=krs), [KRS 500.080](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/500-00/080.pdf&requesttype=krs); [KRS 508.075](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/508-00/075.pdf&requesttype=krs); [KRS 508.078](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/508-00/078.pdf&requesttype=krs); KRS 527:020, 20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA) Section 504 of the Rehabilitation Act of 1973, as amended

Related Policies:

02.31; 09.435; 09.436; 09.4361$

Admissions and Attendance 09.12

Residence Defined

Pupils whose parent or guardian resides in the District and has custody of the student, or pupils who are legal residents of the school District, or as otherwise provided by state or federal law, shall be considered residents and entitled to the privileges of the District's schools.

All other pupils shall be classified as nonresidents for school purposes.1

Homeless Children and Unaccompanied Youth

The District shall provide educational and related services to homeless children and youth, including preschool-aged homeless children, and homeless children or youth not in the physical custody of a parent or guardian (unaccompanied youth) in a manner that does not segregate or stigmatize students on the basis of their homeless status.

The District shall provide its schools with guidelines that detail the rights of homeless students and the responsibilities that schools have to meet their needs and eliminate barriers to school attendance. These guidelines shall emphasize the right of homeless students to:

1. Have equal access to all educational programs and services, including transportation, that non-homeless students enjoy;
2. Have access to preschool programs as provided to other children in the District;

Admissions and Attendance 09.12 (CONTINUED)

1. Continue attending their school of origin, when deemed in the best interest of the child, for the duration of homelessness;
2. Attend regular public school with non-homeless students; and
3. Continue to receive all services for which they are eligible (i.e., special education, gifted and talented, English learner).

The District shall provide transportation to the school of origin for homeless children at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison) if the child continues to live within the area served by the District in which the school of origin is located. If the child locates to a District other than that of his/her school of origin, the districts shall work together to apportion transportation to and from the school of origin and associated costs. If the districts are unable to reach agreement, responsibility and costs for transportation shall be shared equally.

The District shall designate an appropriate staff person to serve as liaison to homeless children and unaccompanied youth. In addition to coordination of McKinney-Vento implementation in the District, the liaison is responsible for:

* “Outreach” to other entities and agencies so that homeless students are identified;
* Providing public notice of the educational rights of homeless children in locations frequented by parents/guardians and unaccompanied youths. This notice is to be in a manner and form that is understandable;2
* Seeing that school personnel who provide McKinney-Vento Services receive professional development and other support; and
* Ensuring that unaccompanied youths are enrolled in school and receive support to accrue credits and access to higher education.

Homeless Children and Unaccompanied Youth (continued)

The District shall inform school personnel, service providers, advocates working with homeless families, parents, guardians and homeless children and unaccompanied youths of the duties of the liaison.

All concerns regarding the education of homeless children and unaccompanied youth shall be referred to the District liaison. If a complaint arises regarding services or placement of homeless children and unaccompanied youth, the dispute resolution procedures as set forth in [704 KAR 007:090](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/704/007/090.htm&requesttype=kar) shall apply.

Disputes over eligibility, school selection, or enrollment are to be appealed to the Kentucky Department of Education using the Dispute Resolution for Homeless form located at the link below:

<https://education.ky.gov/federal/progs/txc/Documents/Homeless%20Dispute%20Resolution%20Form.pdf>

The liaison shall provide a copy of the referenced form to the complainant.

The District shall provide services for homeless children and unaccompanied youths with disabilities as required by law.

Children in Foster Care

Students in foster care shall have equal access to all educational programs and services, including transportation, which all other students enjoy.

Foster children are to be immediately enrolled in a new school. The District shall collaborate with the Cabinet to ensure immediate and appropriate enrollment of the child and immediately contact the student’s previous school for relevant records. The previous school shall provide the new school records within the student information system maintained by the Kentucky Department of Education by the end of the working day on the day of receipt of a request. If a record provided to the new school is incomplete, the previous school shall provide the completed record within three (3) working days of the original request. Remaining records shall be provided within ten (10) working days of the request.

The Superintendent shall appoint a Foster Care Liaison to coordinate activities relating to the District’s provision of services to children placed in foster care, including transportation services, when the District is notified by the Cabinet for Health and Family Services in writing that the Cabinet has designated its foster care point of contact for the District. The Superintendent may appoint the District Foster Care Liaison prior to such notice from the Cabinet.

Children in foster care, including preschool aged children if the District offers a preschool program, shall be eligible to attend their “school of origin” unless a determination is made that it is not in the child’s best interest. Such determination will be made in collaboration with the child welfare agency. Dispute resolutions shall be handled by all agencies involved in the determination of the foster child’s placement.

Admissions and Attendance 09.12 (CONTINUED)

When possible, a child exiting the foster care program during the school year shall be allowed to complete the school year in the school of origin.

Best Interest of the Child

Determining the best interest of the child takes into consideration the following factors, including but not limited to:

* The benefits to the child of maintaining educational stability;
* The appropriateness of the current educational setting;
* The child’s attachment and meaningful relationships with staff and peers at the current educational setting;
* The influence of the school’s climate on the child;
* The safety of the child; and
* The proximity of the placement to the school of origin, and how the length of a commute would impact the child.

Upon the determination that changing a child's school of enrollment is in the best interest of the child, the Cabinet, any applicable child-caring facility, child-placing agency, school, districts, and the child's state agency caseworker shall collaborate to ensure the immediate and appropriate enrollment of the child;

1. The child's state agency caseworker shall immediately contact the receiving district to inform the district of the pending enrollment changes.
2. The child's state agency caseworker or child-caring facility or child placing agency case manager shall either accompany the child and the foster parent to the new school to enroll the child or contact applicable staff at the new school via telephone during the day of enrollment, to assist with the enrollment, to share information relating to the child's unique needs and prior experiences that may impact their education, and to identify and prevent disruptions in any instructional or support services that the child may have been receiving prior to that time, including but not limited to medical and behavioral health history and individual service plans.7

Immigrants

No student shall be denied enrollment based on his/her immigration status, and documentation of immigration status shall not be required as a condition of enrollment.

The District may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first.

Nonresidents

Nonresident pupils may be enrolled in the District's schools in accordance with Board policy 09.1222,09.124 and upon approval of the Superintendent.3  Once a nonresident student is enrolled for the academic year, the student may not be dismissed during that academic year without applicable due process.3

Nonresident students designated as homeless or foster children may be required to be enrolled consistent with the “best interest of the child” or “school of origin” requirements under the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA.

Non-Immigrant Foreign Students

Non-immigrant foreign students qualifying for F-1 immigration status or who obtain an
F-1 student visa may be admitted to the District based on the following guidelines:

1. These students shall not be permitted to attend any publicly funded adult education program.
2. These students may be permitted to attend in grades nine through twelve (9-12), but not at earlier grade levels.

**Admissions and Attendance 09.12 (CONTINUED**

1. As required by law, these students shall pay a tuition fee equal to the full, unsubsidized per capita cost to the District for providing education to the student for the period of attendance.
2. The period of attendance shall not exceed twelve (12) months.

These requirements do not apply to immigrant students residing in the District or foreign students in any other immigration status, including exchange students.

Expelled/Convicted Students

The parent, guardian, Principal, or other person or agency responsible for the student shall provide to the school prior to admission, a sworn statement or affirmation concerning any of the following that have occurred in or outside Kentucky:

1. If a student has been expelled from school; or
2. If a student has been adjudicated guilty/convicted of, homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs.

Assault shall mean any physical assault, including sexual assault.

The sworn statement or affirmation shall be on a form provided by the appropriate state agency and shall be sent to the receiving school within five (5) working days of official notification that a student has requested enrollment in the new school.6

If a student is suspended or expelled for any reason, or faces charges that may lead to suspension or expulsion, but withdraws prior to a hearing from any public or private school in Kentucky or any other state and then moves into the District and seeks to enroll, the District shall review the details of the charges, suspension, or expulsion and determine if the student will be admitted, and if so, what conditions may be imposed upon the admission. Prior to a decision to deny admission, the District shall offer the student, parent/guardian, or other persons having legal custody or control of the student a hearing before the Board.

References:

1[KRS 159.010](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/159-00/010.pdf&requesttype=krs); [OAG 78‑64](http://policy.ksba.org/documentmanager.aspx?requestarticle=/civil/opinions/OAG7864.htm&requesttype=oag),242 U.S.C. 11431 et seq. (McKinney-Vento Act),3[KRS 158.120](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/120.pdf&requesttype=krs); [OAG 80‑47](http://policy.ksba.org/documentmanager.aspx?requestarticle=/civil/opinions/OAG8047.htm&requesttype=oag); [OAG 79‑327](http://policy.ksba.org/documentmanager.aspx?requestarticle=/civil/opinions/OAG79327.htm&requesttype=oag); [OAG 75‑602](http://policy.ksba.org/documentmanager.aspx?requestarticle=/civil/opinions/OAG75602.htm&requesttype=oag),GCvOwensboro Public Schools, 711F3d623 (6th Cir., 2013)6[KRS 158.155](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/155.pdf&requesttype=krs); [KRS 157.330](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/157-00/330.pdf&requesttype=krs); [KRS 158.150](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/150.pdf&requesttype=krs),7KRS 157.320,KRS157.350, [KRS 157.360](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/157-00/360.pdf&requesttype=krs); [KRS 158.100](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/100.pdf&requesttype=krs); [KRS 199.802](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/199-00/802.pdf&requesttype=krs), [704 KAR 007:090](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/704/007/090.htm&requesttype=kar); [OAG 91-171](http://policy.ksba.org/documentmanager.aspx?requestarticle=/civil/opinions/OAG91171.htm&requesttype=oag), P. L. 104-208, P. L. 114-95 (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301 et seq., 8 U.S.C. Sections 1101 and 1184: 8 C.F.R. Section 214, *Plyler* v. *Doe,* 457 U.S. 202 (1982)

 Equal Educational Opportunities Act of 1974 (EEOA)

Related Policies:

06.32; 08.1114; 09.11; 09.121;09.1222; 09.1223;09.123; 09.124,09.126 (re requirements/exceptions for students from military families),09.14; 09.211

#  Homeless Children and Unaccompanied Youth 09.12AP.25

The District shall support homeless children and unaccompanied youth by:

1. awarding and accepting of credit, including partial credit, for all coursework satisfactorily completed by a student while enrolled at another school;
2. allowing a student who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;
3. awarding a diploma, at the student's request, by a district from which the student transferred, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate from the district to which the student transfers, but meets the graduation requirements of the district from which the student transferred; and
4. exempting the student from all coursework and other requirements imposed by the Board that are in addition to the minimum requirements for high school graduation established by the Kentucky Board of Education in the district to which the student transfers, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate both from the district to which the student transfers and the district from which the student transferred.

Awarding Credit for Coursework Satisfactorily Completed

Consistent with [KRS 156.160](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/160.pdf&requesttype=krs), and to the extent feasible, homeless children and unaccompanied youth shall be awarded credit, including partial credit, for all coursework satisfactorily completed.

To ensure credit, including partial credit, is awarded for all coursework satisfactorily completed by homeless children and unaccompanied youth, the District shall adopt written procedures addressing:

1. the tool or methodology the District shall use to calculate credit, including partial credit, to be awarded for all coursework satisfactorily completed by homeless children and unaccompanied youth;

# Homeless Children and Unaccompanied Youth 09.12AP.25 (CONTINUED)

1. the consolidation of partial credit, where appropriate, to provide opportunities for credit accrual that eliminate academic and nonacademic barriers for homeless children and unaccompanied youth;
2. how the District shall provide students experiencing homelessness access to extracurricular and summer programs, credit transfer and electronic course services, and after-school tutoring and other extended school services available in the District to the fullest extent practicable and at nominal or no costs;
3. the ways in which the District shall lessen the impact of school transfers for homeless children and unaccompanied youth, which shall include:
4. identifying systems that are in place to ease the transition of students experiencing homelessness, particularly during the first two (2) weeks at a new school;

Awarding Credit for Coursework Satisfactorily Completed (continued)

1. requiring counselors to provide timely assistance and advice to improve college and career readiness for students experiencing homelessness; and
2. granting priority placement in classes offered by the District that meet state minimum graduation requirements for students who change schools at least once during a school year as a result of homelessness.
3. how and in what circumstances the District shall allow a student experiencing homelessness who was previously enrolled in a course required for high school graduation to complete that course at no cost before the beginning of the next school year as required by [KRS 156.160](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/160.pdf&requesttype=krs); and
4. the required review of credit accrual and the personal graduation plan for each homeless student and unaccompanied youth that is not on track to receive a high school diploma before the fifth year of high school enrollment.

References:

[KRS 156.160](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/160.pdf&requesttype=krs),[704 KAR 007:090](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/704/007/090.htm&requesttype=kar),42 U.S.C. § 1143

Related Policy:

08.113

**ENTRANCE AGE 09.121**

## Preschool

In accordance with appropriate state and federal legal requirements, any child who has been identified as disabled, and who is three (3) or four (4) years of age, by August 1 of the current year, shall be eligible for a free and appropriate preschool education and related services.

Children at risk of educational failure who are four (4) by August 1 may enter preschool. All other four (4) year old children shall be served to the extent placements are available.

## Primary School

* + - A child who is five (5) or who may become (5) years of age by August 1 may enter primary school and may advance through the primary program without regard to age in accordance with KRS 158.031.
		- A child who is six (6) years of age, or who may become six (6) years of age by August 1, shall attend public school or qualify for an exemption as provided by KRS 159.0302

The District shall establish guidelines to determine a student’s level of academic and social skills when that student is being considered for advancement through the primary program. A student, who is at least five (5) years of age, but less than six (6) years of age may be enrolled in the second level of the primary program in keeping with the process set out in Kentucky Administrative Regulation.

**ENTRANCE AGE 09.121 (CONTINUED)**

## Petition Process

Parents/guardians may petition the Board to allow their child to enter school earlier than permitted under statutory age requirements. On receipt of a petition, the District shall conduct an evaluation process to help determine a

student’s readiness to engage in and benefit from early entry to school. The process shall be established in accordance with the following:

1. The District shall establish guidelines to determine a student’s readiness for entry, including the date by which petitions must be submitted to the Central Office.
2. Developmentally appropriate measures, which may include state-approved screening instruments, shall be used to determine a student’s level of developmental, academic and social readiness.
3. Based on staff recommendations, the Superintendent shall recommend to the Board whether to grant the request.
4. Considerations may include availability of space and funding.

Any tuition amounts charged to students permitted early entry under this Policy shall be the same as charged to other tuition paying students who meet statutory age requirements.

## Proof of Age

Upon enrollment for the first time in any elementary or secondary school, a student or student’s parent shall provide:

* + - A certified copy of the student’s birth certificate, or
		- Other reliable proof of the student’s identity and age with an affidavit explaining the inability to produce a copy of the birth certificate.

**REFERENCES:**

KRS 15.3175; KRS 15. 030; 702 KAR 7.125; KRS 158.031; KRS 158.032; KRS 158.035; KRS 214.034; KRS 158.990; KRS 159.010;

KRS 159.030; 702 KAR 1:160; 704 KAR 5:070; OAG 82-408; OAG 85-55;P.L. 114-95. (Every Student Succeeds Act of 2015). 20 U.S.C. & 6301 et seq. McKinney-Vento Act 42 U.S.C. 11431 et seq.

**RELATED POLICIES:**

* 1. ; 09.124; 09.126 (re requirements/exceptions for students from military families)

**ATTENDANCE REQUIREMENTS 09.122**

## Compulsory Attendance

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

Per 704 KAR 5:060, any five (5) year old child, not otherwise subject to compulsory attendance laws, but who voluntarily enrolls in the primary school program at the beginning of the school year, may upon parental or guardian’s written request be withdrawn from the program at any time within the first two (2) school calendar months. At the end of such trial period, a child shall be considered irrevocably entered into the primary school program for the purposes of KRS 159.010 and KRS 159.020.

## Exemptions from Compulsory Attendance

The Board shall exempt the following from compulsory attendance:

* + 1. A graduate from an accredited or approved four (4) year high school
		2. A pupil who is enrolled in a private or parochial school
		3. A pupil who is less than seven (7) years old and in regular attendance in a private kindergarten nursery

 school

* + 1. A pupil whose physical or mental condition prevents or renders inadvisable, attendance at school or application to study
		2. A pupil who is enrolled and in regular attendance in private, parochial, or church school programs

for exceptional children

* + 1. A pupil who is enrolled and in regular attendance in a state supported program for exceptional children.
		2. A student enrolled in a District-operated alternative education program who attains a High School Equivalency Diploma.8

## Physician’s Statement Required

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

## Exceptions to Presence at School

## ATTENDANCE REQUIREMENTS 09.122 (CONTINUED)

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

1. Students shall be counted in attendance when they are receiving home, hospital, institutional, or

court ordered instruction in another setting.

1. Participation of a pupil in 4-H activities that are regularly scheduled and under the supervision of a county extension agent or the designated 4-H club leader shall be counted in attendance.
2. Students may participate in co-curricular activities and be counted as being in attendance during the instructional school day, provided the Principal/designee has given prior approval to the scheduling of activities. Approval shall be granted only when co-curricular activities and trips are instructional in nature, directly related to the instructional program, and scheduled to minimize absences from classroom instruction.
3. Students participating in an off-site virtual high school class or block may be counted in attendance in accordance with requirements set out in the Kentucky Administration Regulation,
4. Students having an individual education plan (IEP) that requires less than full-time instructional services shall not be required to be present for a full school day.
5. Students who attend classes for moral instruction at the time specified and for the period fixed shall be credited with the time spent as if they had been in actual attendance in school, and the time shall be calculated as part of the actual school work missed during the specified moral instruction time.
6. Students participating as part of a school-sponsored interscholastic athletic team, who compete in a regional or state tournament sanctioned by the Kentucky Board of Education or KHSAA that occurs on a regularly scheduled school day shall be counted and recorded present at school on the dates of the competition for a maximum of two (2) days per student per school year. Students shall be expected to complete any assignment

missed on the date or dates of competition.

1. The pupil is participating in standards-based performance-based credit that is awarded in accordance with 704 KAR 3:305, and that falls within one (1) or more of the categories of standards-based course work. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies.
2. Students attending basic training required by a branch of the United States Armed Forces shall be considered present for all purposes for up to ten (10) days.
3. Students participating in any of the page programs of the General Assembly.3

## Nonresident students Definition of Legal Residence

Except for emancipated pupils, the legal residence of a pupil is determined by the address of the legal residence of the parent or guardian and not by the address at which the pupil is living.

## Board Approval

The Board reserves the right to admit and assign all nonresident pupils. Due to inappropriate behavior and/or other circumstances, the Board may withdraw any nonresident pupil.

Contingent upon the recommendation of the Superintendent and approval of the Board, nonresident pupils may attend District schools upon written request and payment of tuition.

**REFERENCES:** KRS 159.010, OAG 85-55, KRS 059.030, KRS 159.035, 702 KAR 7:125, KRS 158.240, KRS 158.070, 704 KAR 3:305,KRS158.143;KRS 159.130, KRS 159.990, OAG 79-68, OAG 79-539, OAG 87-40, OAG 97-26

**RELATED POLICIES:** 08.131, 08.1312, 09.111, 09.121, 09.123, 09.36

Persons Over Compulsory Attendance Age 09.1223

Prohibitions

Persons over twenty‑one (21) years of age shall not be admitted to or served by the District's elementary or secondary schools.

Students under age twenty‑one (21) who already have graduated from an accredited or four (4) year high school shall be considered to have completed high school and shall not be permitted to enroll in the District. Students who have earned a High School Equivalency Diploma shall be permitted to enroll to work toward completion of graduation requirements.

Exceptions

The District may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reaches the age of twenty-one (21), whichever comes first. The District may provide a virtual high school completion program for person twenty-one (21) years of age or older as permitted by [KRS 158.100](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/100.pdf&requesttype=krs).

Persons Over Compulsory Attendance Age 09.1223 (CONTINUED)

Students With Disabilities

In cases which involve students with disabilities, the procedures mandated by federal and state law for such students shall be followed.1

References:

120 U.S.C. § 1412, [KRS 157.200](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/157-00/200.pdf&requesttype=krs), [KRS 157.360](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/157-00/360.pdf&requesttype=krs), [KRS 158.100](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/100.pdf&requesttype=krs), [KRS 158.140](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/140.pdf&requesttype=krs), [KRS 159.010](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/159-00/010.pdf&requesttype=krs), [KRS 159.030](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/159-00/030.pdf&requesttype=krs), [704 KAR 003:305](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/704/003/305.htm&requesttype=kar), [707 KAR 001:290](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/707/001/290.htm&requesttype=kar)

Related Policy:

08.4

**ABSENCES AND EXCUSES 09.123**

Pupils are required to attend regularly and punctually the school in which they are enrolled.

Recording of absences and tardies shall be made in compliance with the requirements of 702 KAR 7:125

## Truancy Defined

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

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

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

For the purposes of establishing a student’s status as a truant, a student’s attendance record is cumulative for an

entire school year. When students transfer from one Kentucky district to another, attendance information from the previous district shall become part of their official attendance record for that school year.

## Excused Absences

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

1. Severe illness in the pupil’s immediate family including parents, grandparents, brother or sister

(Students must have prior approval for absences as a result of severe illness of anyone else);

1. Illness, including mental or behavior health, or injury of the pupil, a physician’s statement will be required after five (5) absences per semester or ten (10) absences per school year;
2. Death in the pupil’s immediate family including parent, grandparent, brother, sister, aunt, or uncle. (Student must have prior approval to attend other funerals);
3. Doctor and dental appointments that cannot be made after school hours. Doctor and dental notes should be specific in time. Students will be excused only for the actual time spent in the doctor/dentist office.
4. Seniors visiting colleges and taking armed forces examinations (not to exceed two (2) days per year) as approved in advance by the principal;
5. Driver’s permit or license tests (not to exceed three (3)tests in one year) as approved in advance by the Principal;
6. Court appearances (upon presentation of summons or subpoena);
7. Religious holidays and practices approved in advance by the Principal;
8. One (1) day for attendance at the Kentucky State Fair;
9. Documented military leave;
10. One (1) day prior to departure of parent/guardian called to active military duty;
11. One (1) day upon the return of parent/guardian from active military duty; Visitation for up to 10 days with the student’s parent, defacto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave;
12. Ten (10) days for students attending basic training required by a branch of the United States Armed Forces
13. Students participating in any of the page programs of the General Assembly2
14. Other valid reasons as determined by the principal; including trips qualifying as educational enhancement opportunities. Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts. Unless the principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted. The principals’ determination may be appealed to the superintendent/designee whose decision may then be appealed to the Board under its grievance policy and

**ABSENCES AND EXCUSES 09.123 (CONTINUED)**

procedures. Students receiving an excused absence under this section shall have the opportunity

to make up school work missed and shall not have their class grades adversely affected for lack of

 class attendance or class participation due to the excused absence; and

16. Trips under the following conditions:

* 1. Principal approval and arrangements have been made with all teachers prior to the trip.
	2. The student has not missed in excess of three (3) days in a semester or a total of six (6) days during the current year.
	3. The student maintained a 2.0 GPA (non-weighted scale) for the previous nine weeks’ graded period.

## Notes Required

Upon his/her return to school, the student who has been absent or tardy shall be required to bring a written and dated note signed by his/her parent(s), guardian, or physician explaining the reason for the absence or otherwise satisfy the Principal as to the validity of the excuse. Notes must be presented within three (3) days of the absence in order for the absence to be considered excused and shall include the date of and reason for the absence.

Parent notes will be accepted for the above reasons for the first five (5) days missed each semester. After a student has missed five (5) days in one semester, a doctor’s or dentist’s statement must be presented for the absence to be excused.

No student will be excused on the day before a holiday, during final exams or during the testing window unless

he/she presents a doctor’s excuse or there is a death in the immediate family as defined under “Excused Absences”,

#3. When Somerset Schools are scheduled in the board approved calendar to be closed, no student will be excused the

day before or the day after the scheduled closing unless he/she presents a doctor’s excuse or there is a death in the immediate family, as defined under “Excused Absences”, #3.

## Make-up Work

Students having “excused absences” shall be allowed to complete make-up work. It is the student’s responsibility to contact the appropriate teacher regarding make-up assignments.

## Appeal

A district-wide Attendance Appeals Committee shall be available to examine the case of any student who feels that he/she has extenuating circumstances. Appeals shall be made in writing on an appeal request form and submitted to the appropriate school principal. The Attendance Appeals Committee shall meet to consider the appeal within five

1. school days after the parent has filed the appeal request with the school principal. The decision of the Appeals Committee shall be affirmed by the Board unless it is found to be clearly in conflict with the attendance policy.

## Truancy Process

Any student who is a habitual truant may be subject to truancy charges being filed with Family Court or the Office of the County Attorney.

**REFERENCES:**

702 KAR 7:125, KRS159.035;KRS 36.396, KRS 38.470, KRS 40.366, KRS 158.070, KRS 158.183, KRS 158.293, KRS 158.294, KRS 159.140, KRS 159.150, KRS 159.180, OAG 76-566, OAG 79-68, OAG 79-539, OAG 91-79, OAG 96-28

**RELATED POLICIES:**

* 1. , 09.122, 09.4281, 09.126 (re requirements/exceptions for students from military families)

**DISMISSAL FROM SCHOOL 09.1231**

## Release of Students

At any time students are dismissed from school, they shall be released according to the written instructions provided by the custodial parent/guardian. The instructions, which shall be requested at the time the student registers/enrolls for the school year, shall include the student’s regular mode of transportation at the end of the school day and a list of persons in addition to the custodial parent/guardian, who are authorized to pick up the student from school. Any deviation from the authorized release process must be approved by the principal/designee prior to the student departing school in another manner.

It shall be the responsibility of the custodial parent/guardian to notify the school in writing if release instructions are to be revised. If written instructions are not provided to the school, the student shall only be released to ride home on the assigned bus or with the custodial parent/guardian.

Any student who leaves the school grounds at any time without proper authorization shall be subject to appropriate disciplinary action.

## Release Process

If the student is to be picked up early, the custodial parent/guardian or designee shall report to the principal’s office and sign for the student’s release.

Each school shall maintain a daily entry and exit log of students signing in late or signing out early and shall require proof of identification from individuals (visual identification by the employee, driver’s license, picture identification, etc.) to assure that they are authorized to pick up the student.

## Verification

The building principal shall make every effort to confirm by telephone all written or telephone requests for unusual dismissal. Except in emergencies as determined by the principal, requests for unusual dismissal that cannot be confirmed by telephone or otherwise verified as authentic shall be denied. Adult emancipated students who are not on record as being under the care or control of a parent/guardian may sign for their own dismissal.

## Exceptions

A student may be released to a person with lawful authority to take custody of the student e.g., a police officer with a warrant or the person authorized by the Cabinet for Health and Family Services when the student is committed to the Cabinet or when the Cabinet is granted custody of the student by a court order. In such case, the student’s parent shall be notified at the earliest opportunity except as otherwise provided by a court order or law. When custody of a student is granted to the Cabinet by a court order as a result of dependency, neglect, or abuse, the Cabinet shall notify the Principal, or any Assistant Principal, of the school in which the child is enrolled, and the District’s Director of Pupil Personnel of the names of persons authorized to contact the child at school or remove the child from the school grounds.

This notification shall be provided to the school by the Cabinet:

* + 1. By written notice via email or fax on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. Verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and
		2. By email, fax, or hand delivery of a copy of the court order within ten (10) calendar days following the Cabinet’s receipt of the court order of a change of custody or change in contact or removal of authority.

In addition, the Board authorizes emergency release of students for illness or other bona fide reasons, as determined by the Principal.

**REFERENCE**: 10AG 85-134; 0AG 92-138; KRS 620.146 702 KAR 7:125

**RELATED POLICIES:** 09.12311, 09.227; 09.3; 09.31: 09.432, 09.434, 10.5

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**TUITION 09.124**

## Fee to Be Charged

The Board may charge a fee, according to a schedule adopted by the Board for each student attending its schools whose parent is not a bona fide resident of the district.

Tuition shall be waived for students who are the children of employees that are non-resident and attend the Somerset Independent School District in accordance with applicable statute.

References:

1KRS 158.120; 237 S.W. 2D 65 (1951); OAG 80‑47; OAG 91-75; KRS 157.350; KRS 158.135; 702 KAR 7:125

Related Policies:

09.12;09.126 (re requirements/exceptions for students from military families)

#

Students of Military Families 09.126

The following are key provisions that apply to students from military families that are based on the compact agreed upon by states belonging to the Interstate Commission on Educational Opportunity for Military Children:

Enrollment

A child of a military family may pre-enroll or participate in pre-admission in the District if the parent or guardian of the child:

1. Is transferred to or is pending transfer to a military installation or to a reserve component within the state while on active military duty pursuant to an official military order.
2. Is returning to the state after within one (1) year of being separated from the military with an honorable discharge, discharge under honorable conditions, or a general discharge under honorable conditions.

The District shall accept an application for enrollment and course registration by electronic means for the child, including enrollment in a specific school or program within the District.

The parent or guardian of a child of a military family shall provide proof of residence to the District within ten (10) days after the arrival date provided on official documentation. The parent or guardian may use, as proof of residence, the address of:

1. A temporary on-post billeting facility;
2. A purchased or leased home or apartment;
3. Any federal government housing or off-post military housing, including off-post military housing that may be provided through a public-private venture; or
4. A home under contract to be built.

Until actual attendance or enrollment in the District, the child of a military family shall not:

1. Count for the purposes of average daily attendance; or
2. Be included in the state assessment and system.

To accommodate for temporary housing, if a child utilizes this section to enroll in the District, but the residence identified above has not yet become available, then the District shall allow the child to enroll and begin attending the District regardless of the child's temporary residence and subsequently be included in the District's calculation of average daily attendance under [KRS 157.320](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/157-00/320.pdf&requesttype=krs), for a period of up to one (1) year from the parent's or guardian's reporting for duty date or separation date before being considered a resident of another District.1

Students from a household of an active duty service member who are moving into the District shall be enrolled and appropriately placed as quickly as possible based on information provided in the student’s unofficial records pending validation by the official record that the District shall request from the sending school.

Students of Military Families 09.126 (CONTINUED)

Enrollment (continued)

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A transitioning child of a military family who is placed in the care of a non-custodial parent or other person standing in loco parentis and living in a jurisdiction other than that of the custodial parent may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

Tuition

Tuition shall not be charged for a transitioning child of a military family who is placed in the care of a non-custodial parent or other person standing in loco parentis and living in the jurisdiction other than that of the custodial parent.

Immunization Requirements

Students from military families shall have thirty (30) days from the date of enrollment to obtain required immunizations or additional time as may be determined by the Interstate Commission Compact rules.

Placement

Kindergarten and first grade students from a household of an active duty service member moving into the District from an accredited school in another state shall be allowed to continue placement at their current grade level, regardless of age.

Decisions about placement of students from military families in educational programs shall be based on current educational assessments conducted at the sending school or participation/placement in like programs in the sending state. Such programs include, but are not limited to the following programs:

1. Gifted and talented; and
2. English as a second language (ESL).

This shall not preclude the District/school from performing subsequent evaluations to ensure appropriate placement of a student.

Special Education Services

The District shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP).

The District shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing Section 504 (Title II) Plan\*, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

\* In Kentucky, a student Title II Plan is the same as a Section 504 Plan.

Deployment-Related Absences

Students whose parent or legal guardian is an active member of the uniformed services, as defined by this compact, and has been called to active duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the Superintendent to visit with their parent or legal guardian relative to such leave or deployment.

Extracurricular Participation

The District shall facilitate the opportunity for transitioning children of military families to participate in extracurricular activities to the extent they are otherwise qualified, regardless of application deadlines.

Graduation Requirements

The District shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another school district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the District shall provide alternative means of acquiring required coursework so that graduation may occur on time. Otherwise, the District shall ensure receipt of a diploma from the sending school district if the student completed graduation requirements of that district.

Exit exam scores from sending schools shall be accepted in accordance with the Interstate Commission Compact.

Students of Military Families 09.126 (CONTINUED)

Children of Civilian Military Employees

Children of civilian military employees shall be afforded the same rights as children of military families under [KRS 156.730](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/730.pdf&requesttype=krs) if the parents are required to move to perform their job responsibilities resulting in the students having to change schools.

References:

1[KRS 159.075](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/159-00/075.pdf&requesttype=krs), [KRS 156.730](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/730.pdf&requesttype=krs); [KRS 156.735](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/735.pdf&requesttype=krs); [KRS 157.320](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/157-00/320.pdf&requesttype=krs); [KRS 158.020](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/020.pdf&requesttype=krs), 20 U.S.C. § 1400 et seq. Individuals with Disabilities Education Act (IDEA)

 Section 504 of the Rehabilitation Act; District 504 procedures Americans with Disabilities Act

Related Policies:

02.4241; 08.113; 08.131; 08.132; 08.13452; 08.222,09.12; 09.121; 09.123; 09.124; 09.211; 09.3; 09.313

**EQUAL EDUCATIONAL OPPORTUNITIES 09.13**

## Discrimination Prohibited

No pupil shall be discriminated against because of age, color, disability, race, national origin, religion, sex, or veteran status.

## Students with Disabilities

The District shall provide a free, appropriate public education to each qualified student with a disability, as defined by law, within its jurisdiction.

The District shall operate its programs in accordance with the Board approved procedures addressing requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

Parents of students who have a temporary or permanent disability may request the District supervisor to provide appropriate accommodations necessary for them to participate in instructional and extracurricular activities, as required by law. Students who are at least eighteen (18) years of age may submit their own requests.

## Student Religious Activities or Political Expression

The District shall observe the rights of students to voluntarily engage in religious activities. Students may express religious or political viewpoints while at school, to the same extent and under the same circumstances as other permitted activities or expression consistent with the Constitution of the United States and the Commonwealth of Kentucky and law, students shall be permitted to engage in these activities and express these viewpoints provided they do not:

1. Infringe on the rights of the school to:
	1. maintain order and discipline
	2. prevent disruption of the educational process
	3. determine educational curriculum
2. Harass other people or coerce other persons to participate in the activity
3. Otherwise infringe on the rights of other persons

Student complaints concerning possible violations of their religious rights shall be addressed in keeping with legal requirements. Their complaints shall be directed to the principal, who shall investigate and take appropriate action within thirty (30) days of the receipt of the written notification.

**REFERENCES:** Bd. Of Educ., etc. v. Rowley 102 S. Ct. 3034 (1982)

District of special education policy and procedures manual; District 504 procedures

KRS 157.200; KRS 157.224; KRS 157.230; KRS 157.350; KRS 158.183; KRS 160.295; Age Discrimination Act of 1975

Section 504 of Rehabilitation Act of 1973, Americans with Disabilities Act

Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Vietnam Era Veterans Readjustment Assistance Act of 1974; Kentucky Education Technology System (KETS); 28 C.F.R. Section 35.101 et seq

**RELATED POLICIES:**

03.113; 03.212; 05.11; 08.131; 09.3211

**STUDENT RECORDS 09.14**

Data and information about students shall be gathered to provide a sound basis for educational decisions and to enable preparation of necessary reports.

## Procedure to Be Established

The Superintendent shall establish procedures to promote effective notification of parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) and to ensure District compliance with applicable state and federal student record requirements.

## Disclosure of Records

Student records shall be made available for inspection and review to the parent(s) of a student or to an eligible student on request. Legal separation or divorce alone does not terminate a parent’s record access rights. Eligible students are those 18 years of age or older or those duly enrolled in a post-secondary school program. In general, FERPA rights pass to the eligible student upon either of those events. Parents may be provided access to the educational records of an eligible student 18 years old or older if the student is dependent under federal tax laws.

Upon written request, parents or eligible students may be provided copies of their educational records, including those maintained in electronic format, when necessary to of other students. A reasonable fee may be charged for the copies.

District personnel must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

In addition, considering the totality of the circumstances, the District may disclose information from education records to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of a student or another individual, if there is an actual, impending, or imminent articulable and significant threat to the health or safety of a student or other individual. In such instances, the basis for a decision that a health or safety emergency existed shall be recorded in the student’s education records.

Authorized District personnel also may disclose personally identifiable information to the following:

* Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is for the purposes related to the student’s enrollment or transfer:
* Authorized representatives of a Kentucky state child welfare agency if such agency presents to the District an official court order placing the student whose records are requested under the care and protection of said agency. The state welfare agency representative receiving such records must be authorized to access the

child’s case plan.

* School officials (such as teachers, instructional aides, administrators, including health or medical staff and law enforcement unit personnel) other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions) having a legitimate educational interest in the information.

District and school officials/staff may only access student record information in which they have a legitimate educational interest.

Contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions may access student records provided they are:

* Under the District’s direct control with respect to the use and maintenance of education records; and
* Prohibited from disclosing the information to any other party without the prior written consent of the parent/eligible student, or as otherwise authorized by law.

## Disclosure to Representatives for Federal or State Program Purposes

Personally identifiable student information may be released to those other than employees who are designated by the superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 CFR Part 99.35.

**STUDENT RECORDS 09.14 (CONTINUED)**

## Duty to Report

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District must notify the Family Policy Compliance Office (FPCO) within forty- five (45) days of the determination and provide the text and citation of the conflicting law.

## Student Directory Information

The principal or superintendent is authorized to release board approved directory information.

Approved “directory information” shall be: student names and addresses, telephone numbers, date and place of

birth, student’s school email address, major field of study, participation in officially recognized activities and sports, photographic/picture, grade level, weight and height of members of athletic teams, dates of attendance, degrees, honors, and awards received, and most recent educational institution attended by student.

Any eligible student, parent, or guardian who does not wish to have directory information released shall notify the

superintendent in writing within thirty (30) calendar days after receiving notification of FERPA rights.

Information about the living situation of a student designated as homeless is not to be treated as directory

information and is not to be disclosed unless prior written consent is given or unless the information meets one of FERPA’s exceptions to required consent. The living situation is not considered directory information.

The District allows for disclosure of directory information only to specific parties for specific purposes. Such limitations are specified in the student directory information notification.

Unless the parent/guardian or student, who has reached the age of 18, requests in writing that the District not release information, the student’s name, address, and telephone number (if listed) shall be released to the Armed Forces recruiters and institutions of higher education upon their request.

## Surveys of Protected Information

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the US Department of Education.

Parents/eligible students also shall be notified of and given opportunity to opt their child (ren) out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

PPRA requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

## Students with Disabilities

The District’s special education policy and procedures manual shall include information concerning records of students with disabilities.

## Juvenile Court Records

Records or information received on youthful or violent offenders shall not be disclosed except as permitted by law. When such information is received, the Superintendent shall notify the Principal of the school in which the child is enrolled. The Principal shall then release the information as permitted by law. The Superintendent and/or Principal shall make privy to this information only the staff/personnel deemed necessary. The information shall be kept in a locked file when not in use and opened only with permission of the administrator. Notification in writing of the nature of offenses committed by the student and any probation requirements shall not become a part of the child’s student record.

## Records of Missing Children

Upon notification by the Commissioner of Education of a child’s disappearance, the District in which the child is

**STUDENT RECORDS 09.14 (CONTINUED)**

currently, or was previously, enrolled shall flag the record of such child in a manner that whenever a copy of, or

information regarding, the child’s record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who had been reported as missing to the agency, institution, or individual making the request, the District shall notify the Justice Cabinet.

## Court Order/Subpoena

Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student.

However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to local counsel for advice.

**REFERENCES:**

**1**Section 152 of the Internal Revenue Code of 1986, 2KRS 158.153; KRS 610.320; KRS 610.340; KRS 610.345, KRS 7.110; KRS 15A.067;

KRS 158.032; KRS 159.160; KRS 159.250;KRS 160.990; KRS 161.200; KRS 161.210; 702 KAR 1:140; 702 KAR 3:220; 20 U.S.C. 1232g,

34 C.F.R. 99.1 – 99.67; 20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98; OAG 80-33; OAG 85-130; OAG 85-140; OAG 86-2;

OAG 93-35; Kentucky Family Educational Rights and Privacy Acts (KRS 160.700; KRS 160.705; KRS 160.710; KRS 160.715;

KRS 160.720; KRS 160.725; KRS 160.730) Individuals with Disabilities Education Improvement Act of 2004, Kentucky Education Technology System (KETS)

P.L. 114-95. (Every Student Succeeds Act of 2015) 42 U.S.C. 11431 et seq. (McKinney-Vento Act)

**RELATED POLICIES:**

03.1323; 03.232; 09.111; 09.43Student Fees 09.15

Instructional Fees

Fees are to be used only for the purchase of resources directly related to the instructional program. Fees for rental or purchase of instructional resources may be charged.

Board Approval Required

All student fees and charges shall be adopted by the Board, including any student activity fees or membership dues. Approved fees shall remain in place until modified or removed by Board resolution.

Fees collected for a specific purpose shall be used for that purpose only. Fees sponsored under the auspices of the school by student clubs or student organizations shall be accounted for in the school activity fund bank account.

Additional Fees

Additional fees may be required in classes that use consumable items, for items which are to remain the student's property, and for use of school equipment.

Inability to Pay

No child shall be denied full participation in any educational program due to an inability to pay for, or rent, necessary instructional resources.1

Waiver of Fees

The Superintendent shall recommend and the Board shall approve a process to waive fees for students who qualify. At the beginning of the school year or at the time of enrollment all students who qualify shall be given clear and prominent written notice of the fee waiver provisions. The written notice of the fee waiver process shall include a form that parents may use to request waiver of fees. Mandatory waiver of fees for qualifying students shall be accomplished in compliance with applicable statutory and regulatory requirements.

References:

1[KRS 158.108](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/108.pdf&requesttype=krs), [KRS 160.330](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/160-00/330.pdf&requesttype=krs), [702 KAR 003:220](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/702/003/220.htm&requesttype=kar); [704 KAR 003:455](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/704/003/455.htm&requesttype=kar), Accounting Procedures for Kentucky School Activity Funds

Related Policies:

04.312; 08.232

**HEALTH REQUIREMENTS AND SERVICES 09.21**

## Health and Safety

The Superintendent shall develop procedures to insure District compliance with all health and safety governance requirements. The protocols and guidelines for health procedures performed by health professionals and school personnel shall be accessible to school personnel. Policies and related procedures for these policies in the 09.2 section of the Policies and Procedures Manual, as referenced in the Health Services Reference Guide, are incorporated herein.

## Required

## All pupils shall undergo preventative health care examinations as required by Kentucky Administrative Regulation.

**HEALTH REQUIREMENTS AND SERVICES 09.21 (CONTINUED)**

The Board shall adopt a program for continuous health supervision for all pupils, including screening test related to growth and development, vision, hearing, and scoliosis.

## Referral

Referral and appropriate follow-up of an abnormality noted by screening or teacher observation shall be recorded on school health records.

## Emergency Care

Schools shall have emergency care procedures, a copy of which shall be on file in Central Office

## Health Record

Each school shall initiate a cumulative health record for each pupil entering school. Such record shall be maintained throughout the pupil’s attendance on forms prescribed by the Kentucky Administrative Regulation or maintained electronically in the student information system.

**References:** KRS 156.501; 702 KAR 1:160; KRS 158.297; KRS 159.150 (Health Services Reference Guide)

**Related Policies:** 08.1213; 08.131; 08.222; 09.2 (entire section); 09.211; 09.224

**HEALTH CARE EXAMINATION 09.211**

All pupils shall undergo preventive student health care, dental, and vision examinations as required by Kentucky Administrative Regulation, which shall be reported on the state forms, or an electronic medical record that includes all of the data equivalent to that on the appropriate forms required by state regulation. 1

## Immunizations

The immunization certificate form required by 702 KAR 1:160 shall be on file within two (2) weeks of a student’s enrollment in school.

A current immunization certificate shall be required for home-schooled students prior to attending one (1) or more in- school classes or participating in sports or other school-sponsored extra-curricular activities.

Forms relating to exemptions from immunization requirements shall be available at each school. Immunization certificates shall be kept current.

The parent/guardian shall provide a current immunization certificate at enrollment in a day care center, kindergarten, seventh grade, eleventh grade, and for the 2020-2021 school year for twelfth grade; new enrollment at any grade; upon legal name change; and at a school required examination pursuant to 702 KAR 1:160.

**REFERENCES:**

KRS 156.160; 702 KAR 1:160, KRS 214, 034; KRS 214, 036; KRS 158, 035; 902; KAR 2:060, 902 KAR 2:090, OAG 82-131

Health Services Reference Guide: Kentucky Department of Education P.L. 114-95 (Every Student Succeeds Act of 2015), 20 U.S.C. § 6301et seq. McKinney-Vento Act, 42 U.S.C. 11431 et seq.

**RELATED POLICIES:**

* 1. , 09126 (re requirements/exceptions for students from military families)

**CONTAGIOUS DISEASES AND PARASITES 09.213**

## Notification

A parent, legal guardian, or other person or agency responsible for a student shall notify the student’s principal if the student has any medical condition which is defined by the Cabinet for Health Services in administrative regulation as threatening the safety of the student or others in the school. The notification shall be given as soon as the medical condition becomes known and upon each subsequent enrollment by the student in a school. The principal or designee shall notify the student’s teachers in writing of the nature of the medical condition.

## Infection Control

If any student is known, or suspected to have, or be infected with, a communicable disease or condition for which a reasonable probability for transmission exists in a school setting, the Superintendent may order the student excluded from school. The time period the student is excluded from school shall be in accordance with generally accepted medical standards, which the Superintendent shall obtain from consultation with the student’s physician, the local health officer, or the Kentucky Department for Public Health.

**CONTAGIOUS DISEASES AND PARASITES 09.213 (CONTINUED)**

## Epidemics

In the event of a dangerous epidemic as determined by the Kentucky Department for Public Health, the Board may close the schools.

## School to Report

Local school authorities shall report immediately all known or suspected cases of communicable disease, except those considered to be confidential, to the local health department. Diseases to be reported shall not include those considered confidential, such as AIDS/HIV, as set forth in Kentucky Administrative Regulation.

## Medical Confidentiality

Unless otherwise permitted by law, signed parental consent designating District personnel to be informed of a student’s medical condition shall be on file prior to informing identified District personnel.

The Superintendent shall identify which employees are to have access to student medical information. This determination shall be made on a need-to-know basis.

## Cleanup Procedures

The Superintendent shall develop procedures to promote adequate and proper cleanup details and measures to aid in the prevention of infection and communicability of contagious diseases.

Student Health and Safety 09.22

Priority

Student health, welfare and safety shall receive priority consideration by the Board.

Rules and regulations on health and safety promulgated by the Kentucky Board of Education under Kentucky statute and by local and state boards of health relating to student safety and sanitary conditions shall be implemented in each school.

Health Services to be Provided

In keeping with applicable legal requirements, only licensed medical professionals or school employees who have been appropriately trained and authorized to do so shall provide health services to students.

Employees to whom health service responsibilities have been delegated must be approved in writing by the delegating physician or nurse. The approval form shall state the employee consents to perform the health service when the employee does not have the administration of health services in his/her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The approval form shall be maintained as required by law. Delegation of health service responsibilities shall be valid only for the current school year.1

If the delegation involves administration of medication, the District will maintain proof that the employee has completed the required training provided by the Kentucky Department of Education (KDE) or as allowed under [KRS 158.838](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/838.pdf&requesttype=krs).

Employees to whom health service responsibilities have been delegated shall notify their immediate supervisor by April 15 of each year if they are not willing to perform the service(s) during the next school year.

Safety Procedures

All pupils shall receive annual instruction in school bus safety.

The Superintendent shall develop procedures designed to promote the safety of all students. Said procedures shall specify specific responsibilities for line positions having responsibility for student supervision.

Student Identification Badges

Any student identification badge issued to a student in grades six (6) through twelve (12) by a school in the District shall contain the contact information for:

1. A national domestic violence hotline;
2. A national sexual assault hotline; and
3. A national suicide prevention hotline.4

Student Health and Safety 09.22 (CONTINUED)

Suicide Prevention

All employees with job duties requiring direct contact with students in grades six (6) through twelve (12) shall annually complete a minimum one (1) hour of high-quality suicide prevention training, including the recognition of signs and symptoms of possible mental illness. Such training shall be in-person, by live streaming, or via video recording and may be included in the four (4) days of professional development required by statute. The District shall provide suicide prevention materials for review by any employee subject to training hired during a year in which the in-person, live streaming, or video recording training is not required.3

By September 15 of each year, each public school shall provide suicide prevention awareness information to students in grades six (6) through twelve (12), as provided by the Cabinet for Health and Family Services or a commercially developed suicide prevention training program.2

Seizure Disorder Materials

All principals, guidance counselors, and teachers shall complete at least one (1) hour of self-study review of seizure disorder materials no later than July 1, 2019. At least one (1) hour of self-study review of seizure disorder materials shall also be required for all principals, guidance counselors, and teachers hired after July 1, 2019.3

References:

1[KRS 156.501](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/501.pdf&requesttype=krs); [KRS 156.502](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/502.pdf&requesttype=krs); [702 KAR 001:160](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/702/001/160.htm&requesttype=kar),2[KRS 156.095](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/095.pdf&requesttype=krs),3[KRS 158.070](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/070.pdf&requesttype=krs),4[KRS 158.038](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/038.pdf&requesttype=krs), [KRS 156.160](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/156-00/160.pdf&requesttype=krs), [KRS 158.836](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/836.pdf&requesttype=krs); [KRS 158.838](http://policy.ksba.org/DocumentManager.aspx?requestarticle=/KRS/158-00/838.pdf&requesttype=krs), [702 KAR 005:030](http://policy.ksba.org/documentmanager.aspx?requestarticle=/kar/702/005/030.htm&requesttype=kar)

Related Policy:

09.2241

EMPLOYEE REPORTS OF CRIMINAL ACTIVITY 09.2211

To promote the safety and well-being of students, the District requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

KRS 158.154

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

KRS 158.155

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

1. The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
	1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
		1. Carrying, possession, or use of a deadly weapon; or
		2. Use, possession, or sale of controlled substances; or
	2. Any felony offense under the laws of this Commonwealth; and
2. The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

KRS 158.156

Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the Principal of the school attended by the victim. The Principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The Principal shall file a written report with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

EMPLOYEE REPORTS OF CRIMINAL ACTIVITY 09.2211 (CONTINUED)

KRS 209A.100

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

KRS 209A.110

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with who s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

KRS 620.030

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

References: KRS 158.154.KRS 158.155.KRS 158.156.KRS 209A.100.KRS 209A.110.,KRS 508.125,.KRS 525.070; KRS 525.080.KRS 527.070; KRS 527.080.KRS 620.030

Related Policies: 03.13251; 03.23251,03.13253; 03.23253,05.48,09.227,09.422,09.423,09.425,09.426,09.438

**MOTOR VEHICLE USE 09.223**

## Conditions for Use

With parental request and under conditions prescribed by the school principal, high school pupils may be permitted to drive motor vehicles onto the school grounds. Vehicles shall be parked in designated areas on the school campus and are not to be visited or moved during the school day unless permission is given by the principal.

## Privilege May Be Revoked

Driving on the school grounds is a privilege which may be revoked if conditions are violated.

**EMERGENCY MEDICAL TREATMENT 09.224**

**FIRST AID TO BE PROVIDED**

First aid shall be provided to all pupils in case of an accident or sudden illness until the services of a health care professional become available.

**FIRST AID ROOM**

A first-aid area with appropriate equipment, supplies and provisions for the child to recline shall be designated in each school. At least two (2) adult employees in each school, at least one (1) of whom shall be present at the school at all times during school hours, shall have completed and been certified in a standard first aid course that includes CPR for infants and children. The District shall have employees trained in accordance with the law to administer or help administer emergency medications.

When enrolled students, for whom documentation under KRS 158.838, including seizure action plans, has been provided to the school, are present during school hours or as participants in school-related activities, a school employee who has been appropriately trained to administer or assist with the self-administration of glucagon, insulin, seizure rescue medications, or medication prescribed to treat seizure disorder symptoms approved by the FDA and administered pursuant to a student’s seizure action plan shall be present.

## Information Needed

A number at which parents can be reached, the name of the family physician, and how the student is to be transported shall be maintained at each school for all its pupils. Parents will be notified in the event of an accident.

## Emergency Care Procedures

Schools shall have emergency care procedures comporting with a regulation and may utilize the Kentucky Department of Education’s Health Services Reference Guide (HSRG) as a resource.

When an emergency arises and the student’s parent/guardian or designee cannot be reached in a timely manner, the school will take action necessary to maintain the student’s health, such as calling emergency medical personnel or taking the student to a health care facility. In such instances, school personnel shall notify health professionals of

**EMERGENCY MEDICAL TREATMENT 09.224 (CONTINUED)**

any medications that they are aware that the student is taking.

**REFERENCES:** 702 KAR 1:160, KRS 156.160, KRS 156.502, KRS 158, 836, KRS 158.838, Kentucky Department of Education Health Services Reference Guide (HSRG)

**RELATED POLICIES:** 09.21, 09.22, 09.2241

**STUDENT MEDICATION 09.2241**

School personnel authorized to give medications must be trained in accordance with KRS 158.838, KRS 156.502, and 702 KAR 1:160. Internal medicine, including aspirin, shall not be provided by the school for the purpose of administering to pupils. Antiseptic and appropriate other emergency medications shall be maintained in the first-aid kit. Pupils may take medicine which is brought from home once a completed authorization form from the parent/guardian is on file.

## Self-Administration

A student may be permitted to carry medication that has been prescribed or ordered by a physician to stay on or with the pupil due to a pressing medical need. Provided the parent/guardian and physician files a completed authorization for each year as required by law, a student under treatment for asthma, diabetes, or at risk of having anaphylaxis shall be permitted to self-administer medication. Students shall not share any prescription or over-the-counter medication with another student. Each year, the District shall notify students in writing of this prohibition and that violations shall result in appropriate disciplinary action, including, but not limited to suspension or expulsion.

**REFERENCES:** OAG 73-768, KRS 158.834, KRS 158.838, KRS 156.502, KRS 158.832, KRS 158.836, 702 KAR 1:160 Americans with Disabilities

Act Section 504 of the Rehabilitation Act of 1973 OAG 77-530, OAG 83-115

**RELATED POLICIES**: 09.22; 09.224

**STUDENT MEDICATION GUIDELINES 09.2241AP.1**

**Student Self-Medication**

Students may be authorized to carry on their person and independently take their own medication (prescription or nonprescription), provided the parent/guardian has written approval on file with school personnel. Such approval shall assure school personnel that the child has been properly instructed in self-administering the medication. If prescription medication is involved, written authorization of the student’s health care practitioner also is required.

**All Other Medications**

1. Medication should be given at home when possible. Medication that must be given at school should be brought to school by the parent/guardian whenever possible. Medication that is sent to school with the student should be transported in the original container placed in a sealed envelope and given to designated school personnel immediately upon arrival.
2. Prescribed oral medications in pill or tablet form shall be counted and the number recorded on the Medication Administration Record.
3. Except for emergency medications (including, but not limited to FDA approved seizure rescue medications and injectable epinephrine devices) and medications approved for students to carry for self-medication purposes all medications shall be kept in a safe, locked, secure place accessible only to the responsible authorized school personnel. Medications requiring refrigeration shall be stored in a separate refrigerator in a supervised area.
4. School personnel who administer medication shall arrange for the child to take the medication at the proper time.
5. Unless otherwise approvedto self-medicate, students are to be supervised by an authorized individual when taking medication. The person supervising the administration of medication must keep a written record.

**Prescription Medications**

Parents/guardians and health care providers shall complete the required forms before any person administers prescription medication to a student or before a student self-medicates.

Prescription medications shall be administered only as prescribed on the physician/health care provider’s written authorization. Prescription medications shall be sent to school in one (1) week increments unless otherwise approved by the Principal or designee. Parent/guardian shall have the ultimate responsibility to provide the school with an adequate supply of medication to enable the orders to be followed.

All prescription medication, original or refill, should be sent to school in a pharmacy labeled container that includes the student’s name, date dispensed, medication, dosage, strength, date of expiration, and directions for use including frequency,

**STUDENT MEDICATION GUIDELINES 09.2241AP.1 (CONTINUED)**

duration, and route of administration, prescriber’s name, and pharmacy name, address, and phone number. Labels that have been altered in any way will not be accepted. Per KRS 218A.210, “A person to whom or for whose use any controlled substance has been presented, sold, or dispensed by a practitioner or other persons authorized under this chapter, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.”$

Changes in the dosage and/or times of administration must be received in the form of a written order from the physician/health care provider OR a new prescription bottle from the pharmacy indicating the change and a note from the student’s parent/guardian.

**Nonprescription Medications**

Nonprescription (over-the-counter) medications may be accepted on an individual basis as provided by the parent or legal guardian when a completed authorization to give medication form is on file. The medication should be in the original container, dated upon receipt, and given no more than three (3) consecutive days without an order from the physician/health care provider. OTC medication shall not be administered beyond its expiration date.

**Documentation of Administration**

Except for medications approved for self-administration, all medication given must be immediately documented on a medication log. Records must be kept on file in the student’s cumulative folder. Documentation should be complete, reflecting beginning and ending dates and notations of missed doses and absences. Subject to confidentiality requirements in Policy 09.14 and accompanying procedures, medication recording sheets shall be filed in the student’s cumulative folder when completed or when the medication is changed/discontinued.

**Disposal of Unused Medication**

Notice shall be mailed to the parent/guardian prior to the end of the school year informing them that their child has medication remaining and that it must be picked up by the parent/guardian. If the medication is not retrieved, the school nurse or designated staff member, with a witness present, shall count the number of any pills or tablets remaining and

document the amount on the Medication Log. Leftover prescription medication may then be mixed with a designated substance, such as glue for pills and kitty litter for liquids, and placed in a trash receptacle or destroyed in accordance with current health care standards. Both parties shall sign the Medication Log when this is completed. All medications shall be destroyed if the parent/guardian does not pick them up.

**Medication Refusal**

If a child refuses to take medication or is uncooperative during medication administration, documentation shall be made, the parent/guardian and school nurse (if appropriate) will be contacted and medication administration may be omitted. If necessary, a conference may be scheduled with the parent/guardian to resolve the conflict.

**Medication Error**

If an error in the administration of medication is recognized, initiate the following steps:

1. Keep the student in the first-aid location. If the student has already returned to class when the error is recognized, have the student accompanied to the first-aid location.
2. Assess the student’s status and document.$
3. Identify the incorrect dose/type of medication taken by the student.
4. Immediately notify the school administrator and school nurse, if appropriate, of the error, who shall notify the student’s parent/guardian.
5. Notify the student’s physician/health care provider.
6. If unable to contact the physician/health care provider, contact the Poison Control Center for instructions.
7. Carefully record all circumstances and actions taken, including instructions from the Poison Control Center or physician/health care provider, and the student’s status.
8. Complete a “Medication Administration Incident Report” form.

**Related Policy:** 09.2241

**Related Procedures:** 09.2241 AP.21; 09.2241 AP.22

**PUPIL TRANSPORTATION CONDUCT ON THE SCHOOL BUS 09.226**

## Safety Procedures

 Pupils shall not change from one seat to another while the bus is in motion unless given permission by the bus

 driver. All pupils shall receive annual instruction in school safety.

## Pupil’s Responsibilities

Pupils shall conform to the transportation rules and regulations prescribed under state statutes and under state and local regulations.

## Instruction in Bus Conduct and Safety

Instruction in bus conduct and safety shall be provided to all transported students. Instruction shall include the following rules:

1. Pupils shall wait at their assigned bus stop off the roadway and shall remain there until the driver has stopped the bus, opened the entrance door and signaled the pupils to enter the bus.
2. Pupils shall not cross the roadway when entering the school bus until signaled to do so by the bus driver.
3. When students are required to cross the roadway when entering or leaving the school bus, crossings shall be made in front of the bus. Pupils shall cross approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.
4. When pupils enter the bus, they shall proceed directly to a seat.
5. Pupils shall remain seated until the bus has come to a complete stop.
6. Pupils shall not extend their arms, legs, or heads out the bus windows.
7. Pupils shall not create noise on the bus to the extent that it might distract the bus driver or to the extent

that it might interfere with the driver’s ability to hear the signals of emergency vehicles or an approaching train.

CHILD ABUSE 09.227

Report Required

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected1, or a victim of human trafficking , or is a victim of female genital mutilation, shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.

After making the report, the employee shall notify the Principal of the suspected abuse, who then shall also promptly make a report to the proper authorities for investigation.If the Principal is suspected of child abuse, the employee shall notify the Superintendent/designee who shall also promptly report to the proper authorities for investigation.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, the District shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require the District to conduct an independent investigation of the allegations after making the required report.

Written Report

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County's Attorney or the Cabinet for Health and Family Services or its designated representative within forty‑eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

Written Records

Copies of reports kept by the District that are submitted to authorities in compliance with the child abuse law are educational records and subject to inspection by the parents of the alleged victim of child abuse. Whether the records are considered "internal records", and not maintained with the students' "permanent records", is immaterial if such records are directly related to students and are maintained by the school or school District.

CHILD ABUSE 09.227 (CONTINUED)

Interviews

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent3 and shall provide the Cabinet access to a child subject to an investigation without parental consent.4

**Agency Custody**

If, as a result of dependency, neglect, or abuse, a child has been placed in the custody of the Cabinet, the Principal, or any Assistant Principal of the school in which the child is enrolled, and the District’s Director of Pupil Personnel shall be notified of the names of persons authorized to contact the child at school, in accordance with school visitation or communication policy, or remove the child from school grounds.

The notification shall be provided to the school by the Cabinet:

1. By written notice via email or fax on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. Verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and
2. By email, fax, or hand delivery of a copy of the court order within ten (10) calendar days following the Cabinet’s receipt of the court order of a change of custody or change in contact or removal authority.

**Required Training**

All current school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors shall complete Board selected training on child abuse and neglect prevention, recognition, and reporting by January 31, 2020, and every two (2) years thereafter. School administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors hired after January 31, 2020, shall complete the training within ninety (90) days of being hired, and every two (2) years thereafter.

Other

Each school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services and the National Human Trafficking Reporting

References:

1KRS 600.020,2KRS 620.030; KRS 620.040,3OAG 85‑134; OAG 92‑138,4KRS 620.072, KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580, KRS 156.095; KRS 199.990; KRS 209.020; New Section of KRS 508, KRS 620.050; KRS 620.146, OAG 77‑407; OAG 77‑506; OAG 80‑50; OAG 85‑134, 34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights,Regulations Implementing Title IX

Related Policies: 09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

**STUDENT ACTIVITIES 09.3**

## To Be Encouraged

Student activities of an educational and/or service nature shall be encouraged and maintained based upon the needs and interests of pupils.

In schools operating under SBDM, the council shall determine selection of extracurricular activities, as well as academic qualifications, attendance requirements, evaluation procedures and supervision for these programs.

## Control

All school sponsored student activities shall be under the direction of the Principal and faculty of the school, except that a non-faculty coach or non-faculty assistant may accompany students on athletic trips as provided in statute.

The Principal may suspend a student’s eligibility to participate in extracurricular and co-curricular activities,

pending investigation of any allegation that the student has violated either the District’s behavior standards or the school council’s criteria for participation.

## Students with Disabilities

Students with disabilities shall have an equal opportunity to participate in nonacademic and extracurricular services and activities, including, but not limited to, extracurricular athletics, intramural athletics, and clubs.

**NOTE:** The District may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory.

## Scheduling

With the approval of the school Principal, Sunday extracurricular activities and Sunday athletic practices may be conducted between the hours of 1:30 PM and 4:00 PM when an activity or game is scheduled for the subsequent Monday.

Coaches/teachers shall not require student participation for Sunday practices or Sunday extracurricular activities, or

**STUDENT ACTIVITIES 09.3 (CONTINUED)**

on any date or at any time which would unreasonably interfere with the free exercise of religion. Athletic contests shall not be scheduled on Sundays during the sport’s regular season.

## Eligibility

Any student representing the high school in athletics and other extracurricular activities shall maintain a scholastic average as required by the Kentucky High School Athletics Association. Teachers will be required to grade on a weekly basis those students participating in extracurricular activities.

Students participating in extracurricular activities are responsible for satisfactory conduct. Unsatisfactory conduct shall be reported to the Principal who shall confer with the student, complaining parties and parents to determine if the student will be permitted to continue to participate in such activities.

## Students on Suspension

A student on suspension from school shall not be permitted to participate in practice sessions or any other extracurricular activities during the time of the suspension.

Determination of athletic eligibility shall be made in compliance with applicable administrative regulations and Kentucky High School Athletic Association requirements.

## Principal to Determine

Based on KHSAA criteria, the school Principal shall be responsible for determining the eligibility of students participating in the athletic program.

**ATHLETICS AND SPORT ACTIVITIES 09.31**

## Participation

All interscholastic and intramural athletic and sport activity competition shall be in compliance with the constitution, bylaws, and competition rules of the Kentucky High School Athletic Association (KHSAA) and all local and

Title IX requirements. As a condition to KHSAA membership, each member school and Superintendent shall annually submit a written certification of compliance with 20 USC Section 1681 (Title IX).

**STUDENT ORGANIZATIONS 09.32**

## Secret Organizations

The Board does not support or sponsor the establishment or operation of any secret or socially exclusive societies, fraternities, or sororities under District auspices.

School groups’ affiliation with state and national organizations must be approved by the Board. All school sponsored student organizations shall be under the sponsorship and direction of a faculty advisor. Student organizations under school sponsorship, using the school name, or using school facilities shall afford each qualifying student an equal opportunity for membership and participation.

**CLUBS 09.321**

## Membership

Groups such as honor clubs, athletic clubs or other groups where membership is determined by scholarship, special curricular-related interests, or other such qualifications, may restrict membership to pupils who qualify according to bylaws of the organization approved by the Principal.

FUND-RAISING ACTIVITIES 09.33

Definition

Fund-raising is an organized activity of soliciting and collecting money for school or student organizations. Contributions and collections derived from school-sponsored fund-raising activities shall be deposited in the school’s activity fund bank account or the District bank account.4

Approval Required

All school wide fund‑raising activities, including the proposed use of the funds, must be approved by the Board.4 Requests must be channeled through the Principal and Superintendent.

All other fund-raising activities, including the proposed use of the funds, shall be approved by the Principal or a designee.

FUND-RAISING ACTIVITIES 09.33 (CONTINUED)

All funds raised for a specific purpose shall be used for that purpose.

Door-to Door Sales

The Superintendent shall develop and present for Board review door-to-door sales guidelines to reflect the following standards:

1. Students shall be permitted to participate only when mature enough to benefit safely from the experience;
2. To promote their safety and well-being, students shall be instructed to use specific sales strategies, which shall be provided in writing; and
3. Community members and businesses shall not be overburdened by continual appeals.

Subscription Sale of Printed Material

The Superintendent shall provide written approval to the county clerk for all subscription sales of printed materials. This approval shall identify the product(s) being sold, the students involved as solicitors and the duration of sales.2

Gaming Activities License

Schools and individual classes planning to conduct charitable gaming activities, as defined by law and Accounting Procedures for Kentucky School Activity Funds, shall obtain and display the appropriate license.3

Pupil Not Compelled

No student shall be compelled to participate in or meet any kind of quota in a fund‑raising activity.1 Students choosing not to participate in a fund-raiser shall not be excluded from benefitting from the fund-raiser or otherwise penalized in any way.4

Conduct of Activities

* All school-sponsored groups shall conduct fund-raising activities to benefit the entire group and shall not permit credit to be earned through fund-raising for an individual student in lieu of participation fees or related activity costs.
* Any support/booster organization wishing to be recognized by and/or affiliated with the District shall conduct fund-raising activities to benefit the entire group and shall not permit credit to be earned through fund-raising for an individual student. No dues, fees, or charges shall be assessed to students or parents.

References:

1KRS 158.290,2KRS 367.515 (3),3KRS 238.505; KRS 238.535; KRS 238.540,4Accounting Procedures for Kentucky School Activity Funds, KRS 156.160; KRS 158.854; OAG 78‑508; OAG 79‑330; OAG 79‑556

Related Policy:

04.312

**SOCIAL EVENTS 09.35**

## Social Events May Be Approved

Student social events may be approved by the principal under the following conditions:

1. The door shall be controlled and admission limited to eligible students, guests, chaperones, and school personnel.
2. No one under the influence of alcohol or drugs shall be in attendance.
3. Adequate administrator and/or faculty supervision shall be provided.
4. A policeman shall be present for any event where it is anticipated that the nature of the crowd may pose conduct or safety problems.
5. In case of any disturbance which would jeopardize the safety of students present, or threaten to

deface or destroy school property, the principal or the principal’s designee shall immediately close the event and send pupils from the campus.

1. The principal may impose additional regulations as needed.

**STUDENT CODE OF CONDUCT 09.42**

The Superintendent/designee shall be responsible for overall implementation and supervision of the Board’s “Code of Acceptable Behavior and Discipline”, and each principal shall be responsible for administration and implementation of the code within each school. The principal shall apply the code uniformly and fairly to each student without partiality or discrimination. The principal of each school, or school council in schools with SBDM, shall set school policy concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to carry out the code.

**CARE OF SCHOOL AND PERSONAL PROPERTY 09.421**

## Pupils Responsible

Pupils shall be held responsible for damage to school property.

## School Property

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

In addition, when they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves damage to school property. For the purposes of determining when to make a report, damage to school property, shall refer to instances involving:

1. Intentional harm, and
2. Damage beyond minor loss or breakage, excluding normal wear and tear

## Personal Property of School Personnel

Any pupil, organization, or group of pupils who steals or willfully or wantonly destroys, defaces, or damages the personal property of school personnel on school property, off school property, or at school-sponsored activities shall be subject to suspension or expulsion from school.

## Students’ Property

Any pupil, organization, or group of pupils participating in activities who destroys, defaces, damages, or steals the personal property of students shall be subject to disciplinary action.

## Parents Liable

Parents shall be liable for property damage caused by their minor children.

**BULLYING/HAZING 09.422**

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

**Actions Not Tolerated**

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.

This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with ability of other students to take advantage of the educational opportunities offered. These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

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

**Bullying Defined**

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: that occurs on school premises, on school-sponsored transportation, or at a school-sponsored event: or 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.

**Reports**

As provided in the “District Code of Acceptable Behavior and Discipline”, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action. Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party. Students who believe they have been

**BULLYING/HAZING 09.422 (CONTINUED)**

a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it.

The District Code shall specify to whom reports of alleged instances of bullying or hazing shall be made. In serious instances of peer-to-peer bullying/hazing/harassment, employees must report to the alleged victim’s principal as directed by Board policy 09.42811. The principal/designee shall investigate and address alleged incidents of such misbehavior.

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

**Other Claims**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811.

Harassment/discrimination allegations shall be governed by Policy 09.42811.

**REFERENCES:**

1KRS 158.150; KRS 158.148; KRS 158.156,KRS 160.290, KRS 525.080,Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S CT. 3159, 92 L.Ed.2d 549 (1986),Tinker v Des Moines Independent School District, 393 U.S. 503, 89 S. Ct. 733, 21 L.Ed.2d 731 (1969)

**RELATED POLICIES:**

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438; 09.2211 (re reports required by law)

**USE OF ALCOHOL, DRUGS, AND OTHER PROHIBITED SUBSTANCES 09.423**

In this day and time, alcohol and other forms of drug abuse have grown to major proportions in our society. The school setting is not exempted from this phenomenon. Therefore, it is vital that educators and parents continually explore ways to institute programs that encourage a drug-free lifestyle for their students/children. It is to that end that this program is created.

All coaches of athletic teams, student organization advisors, the school Board, and the administrators of Somerset Independent Schools recognize that the unlawful use of alcohol and other drugs seriously impairs the health, safety, education, and future success of students engaged in that use. It is also recognized that, while the unlawful use of alcohol and other drugs is a potential problem for all students, those students engaged in interscholastic athletics, performance of competition-based extracurricular activities, and those with permits to drive a motor vehicle onto campus are often viewed by fellow students as holding or enjoying positions of notoriety and are confronted by unique pressures and health risks that make them particularly vulnerable to the harms presented by that use. Because of the potential notoriety derived from athletics and extracurricular participation, and on-campus driving privileges, these students also potentially impact or influence the attitudes and actions of the other members of the student body. Finally, in order to deal effectively with these special pressures, health risks, and other potential risks, we believe it is imperative to adopt a mandatory Alcohol and Drug Safety policy for athletes and students who participate in performance or competitive-based extracurricular activities, as well as those students that drive a motor vehicle onto campus.

The program consists of three components:

* 1. Education and prevention plan
	2. Alcohol and drug safety policy for athletes and students who participate in performance or competitive-based extracurricular activities at the middle and high school level, and those students that hold a valid on-campus parking permit.
	3. Evaluation of KIP survey data on a biannual basis

## Drugs, Alcohol and Other Prohibited Substances

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

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

**USE OF ALCOHOL, DRUGS, AND OTHER PROHIBITED SUBSTANCES 09.423 (CONTINUED)**

## Definitions

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised

Statutes or any other substance which may be added by regulation under KRS 218A.010. Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law. Prohibited substances include:

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

## Authorized Medication

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy. In addition, students shall not possess prescription drugs for the purpose of sale or distribution.

## Penalty

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

## Reporting

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know, or have reasonable cause to believe, that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event. In addition, when they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a controlled substance on school property in violation of the law.

## Education and Prevention Plan

* 1. Each semester, experienced professional substance abuse educators shall conduct at least one (1) educational seminar on alcohol and drug abuse. These seminars shall be accessible to all Somerset High School and Middle School students but shall be required of all athletic teams and students involved in performance or competitive-based extracurricular activities, as well as those students that hold a valid on- campus parking permit.
	2. All student organizations shall be encouraged to foster a drug and alcohol free lifestyle. Voluntary random drug testing and educational seminars will be encouraged.

This policy is intended to support the comprehensive educational policies and programs of Somerset Independent Schools in educating students and their parents or legal guardians about the dangers inherent in the unlawful use of alcohol and other drugs. The policy is further intended to provide incentives to Somerset students who voluntarily choose to participate in the Somerset athletic and extracurricular teams and organizations and students that drive to school to avoid such use and to strive for effective rehabilitation when such use has occurred.

This policy is not designed to be used, nor shall it voluntarily be used in any manner to provide a source of information for law enforcement agencies or for the prosecution of the student or to limit the student’s participation in the school’s activities, other than the limitations imposed by this policy. Without a specific written authorization

from the tested student or parent, if the student is under eighteen (18) years of age, no test results of any student shall be released to any person other than is required by law or lawfully issued subpoena.

In order to accomplish its purposes, this policy establishes a program of education and counseling to deter the unlawful use of alcohol and other drugs and provides for suspension and termination of participation in the Somerset School athletic or extracurricular team or organization or revoking of the student’s on-campus parking permit when deterrence is unsuccessful. To determine compliance with the policy, it provides a testing program to identify student participants who are unlawfully using alcohol and other drugs as defined in this policy. For these students,

**USE OF ALCOHOL, DRUGS, AND OTHER PROHIBITED SUBSTANCES 09.423 (CONTINUED)**

the policy provides incentives for rehabilitation through possible reinstatement to the specific athletic team or organization involved, or re-issue of the student’s parking permit. Consistent with these purposes, the policy also seeks to achieve the following objectives:

1. To protect Somerset students who participate in athletic or extracurricular teams or organizations and students that drive and park on campus from impairing their health, safety, education, and future success through the unlawful use of alcohol and drugs.
2. To protect Somerset students who participate in athletic or extracurricular teams or organizations and others against whom they compete from potential injury during athletic competition or while driving a motor vehicle, which might result from the unlawful use of drugs; and to assure students, parents/guardians, teachers, and the community that the health, safety, education, and future success of the student participants are the primary concerns of the Somerset Independent Schools and its teams and organizations and student drivers.

## Policy Implementation

A substance abuse prevention committee shall be created by the Board with the approval of this policy. The Committee shall have equal representation from Somerset High School and Meece Middle School. Both principals shall serve. The committee shall also consist of one (1) athletic director, (AD), a head coach, a non- coaching teacher representative appointed by the principal, one (1) parent or legal guardian of a Somerset school student as appointed by a school site-based council, the school nurse, an assigned DTC (Drug Testing Coordinator) and at least one (1) student. Appointed members’ term shall be for one (1) school year, and members may be reappointed.

The Committee shall establish procedures as needed to implement the policy fairly and efficiently. In addition, the Committee shall review and evaluate the effectiveness of the alcohol and drug safety policy on an annual basis. The evaluation shall include, but shall not be limited to, the effectiveness of the comprehensive educational and counseling program, substance-testing program, procedural safeguards, and the list of drug substances tested. The committee shall not have access to any of the test results. Their purpose is limited to procedures and evaluation of the policy and subsequent recommendations to the Board. Student participant’s urine specimen shall be tested for the 10 panel + expanded opiate drug test, which include, but may not be limited to:

Marijuana Amphetamines Phencyclidine (PCP) Barbiturates Propoxyphene Methaqualone Benzodiazepines Methadone

Expanded opiates COD, Morph, 6MAM, Hydrocodone,

Hydromorphone, and Oxycodone

## Applicability

This policy applies to all students who choose to participate in Somerset Independent Schools’ athletic teams and competitive extracurricular teams and organizations, or drive a motor vehicle onto campus, which are voluntary extracurricular activities at the middle and high school level. A positive test shall result in the following sanctions:

1. First Violation:

The student participant shall be suspended for the next three (3) consecutive interscholastic events or the next three (3) weeks of the season, whichever is greater. If necessary, the suspension shall carry over to the student’s subsequent participation on another team and/or organization to the following season.

Participation consists of practicing, dressing out, traveling with, or receiving recognition with or for the activity(s) in which the student is involved before reinstatement to the team or organization or re-issue of the parking permit after a first violation, the student participant must receive an assessment or evaluation for chemical dependency and provide verification of an assessment by a qualified mental health professional. The evaluation provider must be selected from the approved list issued by the Committee. When available, the Committee shall utilize the list of approved evaluation providers recommended by the

**USE OF ALCOHOL, DRUGS, AND OTHER PROHIBITED SUBSTANCES 09.423 (CONTINUED)**

local Board of Education. Prior to readmission to the team or organization or the re-issuance of the parking permit, the student must submit to a new drug test at the student’s expense, administered in accordance with the same procedures utilized for random drug testing,. The testing laboratory currently under contract must conduct all subsequent drug tests. A positive result shall be treated as a second violation.

If a student is reinstated to the team or organization, or re-issued a parking permit following a first

violation, the student’s participation in another team or organization shall not be restricted solely because of the existence of the first violation, as long as the student has completed the period of suspension and was appropriately reinstated to the prior team or organization, or re-issued a parking permit after the first

violation (either because of the student’s own election or the season concluded prior to the expiration of the student’s own suspension), the student is still required to serve the unexpired portion of the suspension before the student can be eligible for any other activity. A student serving a suspension for one (1) activity may try out for a second activity if the student provides a negative drug test result from the testing

laboratory currently under contract at the student’s expense. If the student successfully makes the team/organization, prior to participation, the student must serve the unexpired portion of the previous suspension. The student must complete all forms required for participation on another team/organization, and the student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a second violation.

## Referral to Counseling

The policy adopted states that upon first incident where a student has been determined to have tested “positive” that student must receive an assessment or evaluation for chemical dependency and provide verification of an assessment by a qualified mental health professional. The principal will discuss the assessment with the parent(s)/guardian(s).

The parent(s)/guardian(s) will have an understanding that their student must participate in assessment/evaluation for chemical dependency with a qualified mental health professional.

## Re-testing

After an assessment has been conducted, the student must submit a new drug test at the student’s expense, administered in accordance with the same procedures utilized for the random drug testing. The testing laboratory currently under contract must conduct all subsequent drug tests. A positive result shall be treated as a second violation.

1. Second Violation:

The student participant shall be suspended for the next nine (9) consecutive interscholastic events or nine

* 1. consecutive weeks, whichever is greater. If necessary, the suspension shall carry over to the student’s subsequent participation on another team or organization, or the issuing of a parking permit and/or to the following season. Before reinstatement to the team/organization after a second violation, the student participant must successfully complete recommendations that resulted from the chemical dependency assessment as evidenced by a written statement to that effect issued by a qualified chemical dependency professional. Prior to readmission to the team or organization, the student must submit to a new drug test at the student’s expense, administered in accordance with the same procedure utilized for random drug testing. A positive result shall be treated as a third violation.

If a student is reinstated to the team or organization, or reissued a parking permit following a second violation, the student’s participation in another team/organization shall not be restricted solely because of the existence of the second violation, as long as the student has completed the period of suspension and the

required chemical dependency program and was appropriately reinstated to the prior team or organization, or reissued a parking permit. If the student elects not to seek reinstatement to a team or organization, or the reissue of the parking permit after the second violation (either because of the student’s own election or

because of the season concluded prior to the expiration of the student’s period of suspension), the student is still required to serve the unexpired portion of the suspension before the student can be eligible for any other activity.

A student serving a suspension for one (1) team or organization or with a revoked parking permit may try out for a second activity if the student provides a negative drug test result from the testing laboratory

currently under contract at the student’s expense. If the student makes the team, prior to participation, the student must serve the unexpired portion of the previous suspension. The student must complete all forms required for participation on another team or organization, or those required for a parking permit if seeking

**USE OF ALCOHOL, DRUGS, AND OTHER PROHIBITED SUBSTANCES 09.423 (CONTINUED)**

on campus driving privileges, and the student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a third violation.

1. Third and additional violation(s):

The student participant shall be suspended for a period of one (1) calendar year from the date of the most recent test that yielded positive results. The student participant must successfully complete recommendations that resulted from the chemical dependency assessment as evidenced by a written statement to that effect issued by a qualified chemical dependency professional. After completing the one (1) calendar year period of suspension, students will be retested before beginning the next season for which he/she is eligible.

## Notice to Participants

Prior to participation for any team or organization, or the issue and a student parking permit each year, the Somerset Independent Schools shall provide all students choosing to participate with teams or with student organizations, and student drivers and their parent or legal guardian with a written copy of this policy at one (1) of the mandatory informational forums. Each student who chooses to participate with teams or with student organizations, or drive a motor vehicle onto campus, and a parent or legal guardian of that student shall be required to sign a statement indicating that the student and the student’s parent or legal guardian have read this policy and acknowledge that the student and the parent or legal guardian have read this policy, understand this policy and agree to be bound by the terms and conditions contained in this policy.

## Amendment of Policy

While the school Board is autonomous and may amend this policy at any time, it is encouraged to submit concerns and recommendations to the Steering Committee, so an effort can be made to adopt identical amendments in order to have a uniform policy for all school systems. The Board is encouraged to adopt amendments recommended by the Steering Committee. All student participants and at least one (1) parent or legal guardian are to sign the Student/Guardian Consent to Perform Urinalysis for Drug Testing.

## Prevention Program

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all students which shall include notice to students and parents of the following.

1. The dangers of drug/alcohol/substances abuse in schools.
2. The District’s policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District’s established standards of conduct, including those that prohibit use of alcohol, drugs, and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/student assistance programs; and
5. Penalties that may be imposed upon students for violations of this policy.

**REFERENCES:**

KRS 158.150; KRS 158.154; KRS 158.155; KRS 160.290; KRS.161.180; KRS.217.900; KRS 218A.1430; OAG. 82.633; OAG.93.32;

Clark County Board of Education vs Jones KY. App. 625 S. W. 2d 586 (1981). Board of Ed. Of Tecumseh Public School District, Independent School Dist. No. 92 of Pottawatomie City v Earls, \_U.S.\_, 242F.3d 1264 (2002) Improving America’s Schools Act of 2994 (LASA), Title IV Safe and Drug Free Schools and Communities

**RELATED POLICY:**

09.2241; Adopted/Amended: 11/13/2012; Order # 11-12-16

**TOBACCO ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS 09.4232**

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

Adequate notice shall be provided to students, parents, and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the local code of acceptable behavior and discipline, consistent with the following:

* 1. Violation of this policy shall be grounds for disciplinary action and may constitute reason for suspension or dismissal from athletic teams or school.
	2. The Superintendent shall develop procedures for the implementation of this policy, including the following penalties:
		+ First violation – written warning or in-school action by the Principal.
		+ Second violation – One (1) day suspension or assignment to cessation classes.
		+ Third violation – Five (5) days suspension and assignment to cessation program.
		+ Fourth violation – Referred to the Superintendent for alternative placement.

## Cessation

Cessation classes shall be conducted for students seeking to stop tobacco use.

**REFERENCES:**

KRS 160.290; KRS 160.340; KRS 160.180; KRS 438.050; KRS 438.305; KRS 438.350 0AG 81-295; 0AG 91-137; P.L. 1114-95,

(Every Student Succeeds Act of 2015)

**Related Policies:**

03.1327; 03.2327; 05.31; 06.221; 10.5

**ASSAULT AND THREATS OF VIOLENCE 09.425**

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

## Pupils

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

Students may also be subject to prosecution or juvenile justice intervention for assault, threats, or other abusive conduct.

The Principal shall provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provision of KRS 508.078 and potential penalties under KRS.

532.060 and KRS 534.0302

## School Personnel

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

**ASSAULT AND THREATS OF VIOLENCE 09.425 (CONTINUED)**

## Removal of Students

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

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

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

Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal/designee shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

## Report to Law Enforcement Agency

When they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon.

## Domestic/Dating Violence Reporting and Education

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer. School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to a domestic violence and abuse or dating violence and abuse. These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust. If individual school personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to school personnel in print form or on the web by the primary domestic violence shelter, and the advocacy service provider designated by the Cabined for Health and Family Services to serve the school District’s area.

## Notifications

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify staff members and/or students who have been threatened and parents of students who are the subject of a threat. Such notification shall observe and comply with confidentiality requirements of applicable law including, but not limited to state and federal Family Educational Rights and Privacy Act (FERPA) laws.

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of weapons violation and/or physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student’s history by the principal or designee, guidance counselor or other school official who has knowledge of the student’s behavior prior to the assignment or contact.

**REFERENCES:**

KRS 158.150; 2 New Section of KRS 158: KRS 158.154; KRS 160.290; KRS 161.155; KRS 161.190; KRS 61.195, KRS 209A:020; KRS 209.160; KRS 209A.100; KRS 209A. 110; KRS 209A.130,KRS 211.160; KRS 403. 720; KRS 456.010

KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080; KRS 532.060; KRS 535.030: KRS 620.030; 702 KAR 5:080

**RELATED POLICIES:** 03.123; 03.13253; 03.223; 03.232453; 05.4; 06.34; 09.14; 09.2211; 09.422; 09.429

**DISRUPTING THE EDUCATIONAL PROCESS 09.426**

Behavior that materially or substantially disrupts the educational process, whether on school property or at school- sponsored events and activities, shall not be tolerated and shall subject the offending pupil to appropriate disciplinary action. For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct which threatens the health, safety, or welfare of others;
2. Conduct which may damage public or private property, including the property of students or staff;
3. Illegal activity;
4. Conduct that materially or substantially interferes with another student’s access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities; or
5. Conduct that materially or substantially disrupts the delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

## Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.42811, which address harassment/discrimination allegations.

The following procedures shall be used when an individual or group is disrupting the educational process.

1. The Principal/designee shall notify the Superintendent as appropriate.
2. The Principal and staff shall make every effort to keep the disturbance isolate and keep uninvolved students from the scene.
3. A staff member should accompany the Principal/designee to the area in which the disturbance is occurring. If the students involved do not respond to the Principal’s directions, the staff member is to telephone for additional staff assistance or for the police as directed by the Principal.
4. School schedules and operations shall be maintained at a normal level.
5. Teachers shall continue normal classroom activities unless otherwise instructed.
6. Teachers shall not permit students to leave the room; however, teachers should not try to physically restrain students from leaving the room,
7. The staff shall avoid physical involvement except for self-protection or protection of students.
8. The staff shall cooperate with the Principal and shall identify those involved in the disruption.
9. Normal disciplinary action shall be administered to those involved in the disturbance.

**TELECOMMUNICATION DEVICES 09.4261**

## Possession and Use

While on school property during the instructional day, students shall be permitted to possess unpowered personal telecommunication devices as defined by law and other related electronic devices. The instructional day shall be defined as one-half (1/2) hour prior to the beginning of instruction and lasting until the designated time of school dismissal. When students violate the prohibitions of this policy, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to the parent/guardian. A violation may also result in a report being made to law enforcement. In addition, an administrator may confiscate the device, which shall be returned only to the student’s parent/guardian.

While on school property outside the instructional day or while attending school-sponsored or school-related activities, whether on or off school property, student shall be permitted to possess and use personal telecommunications devices as defined by law and in accordance with the following guidelines:

**TELECOMMUNICATION DEVICES 09.4261 (CONTINUED)**

Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that:

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

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

* Devices shall not be used unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, including, but not limited to, posing a threat to academic integrity or violating confidentiality or privacy rights of another individual.
* Students are responsible for keeping up with devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property.
* Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.
* Student shall not utilize a telecommunication or similar electronic device in a manner that would violate the District’s Acceptance Use policy or procedures or its “Code of Acceptable Behavior and Discipline”.

## Notice of Policy

Notice of this policy and penalties for violating it shall be published annually in the District’s “Code of Acceptable Behavior and Discipline”.

Note: Accordingly, each SBDM may have their own specific policies concerning telecommunication devices.

**REFERENCE:** KRS 158.165

**RELATED POLICIES:** 08.2323; 09.426, 09.436, 09.438

**DRESS AND APPEARANCE 09.427**

Students are to avoid extremes and to dress appropriately for the occasion. Students should feel a responsibility to present an appearance that will reflect favorably upon themselves, their home, and their school. The wearing of any item that materially or significantly disrupts the educational process or threatens the health or safety of other students or staff members or interferes with emergency resuscitation procedures is prohibited. If a school/council chooses to develop a dress code, it shall be consistent with Board standards set out in the District’s “Code of Acceptable Behavior and Discipline”, which shall include, but not be limited to, the following guidelines:

1. Shorts, skirts, or dresses must measure at or below the students fingertips in normal stance with arms at the side;

**DRESS AND APPEARANCE 09.427 (CONTINUED)**

1. All tops must meet the waistline with no midriff showing;
2. Visible body piercing (other than ears) that might reasonably cause a health and/or safety hazard of any type or cause a disruption of the educational process is prohibited.

## Unacceptable Clothing

The following types of clothing are unacceptable:

1. Spandex garments (shirts and shorts, including biker shorts) unless covered by looser fitting garments which meet all other guidelines.
2. Clothing with rips and holes that reveal undergarments or skin;
3. Tank tops or muscle shirts;
4. See-through or mesh apparel;
5. Hats, caps, or sunglasses (except for health, safety or religious purposes and with the Principal’s approval);
6. Apparel with obscenities or advertisements for tobacco, liquor or other controlled substances, or sexually suggestive messages or images; and
7. Apparel or accessories which in any way can be used as, or construed to be a weapon such as, but not limited to, chains or straps.

Students who violate these rules will be required to change their attire. Any class time lost will be considered unexcused and will be made up in detention. Any items not addressed will be left to the Principal’s discretion.

**HARASSMENT/DISCRIMINATION 09.42811**

## Definition

Harassment/Discrimination is unlawful behavior based on race, national origin, age, religion, sex, including individuals of the same sex, actual or perceived 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. The provisions in this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

## Prohibition

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school- sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex or actual or perceived sexual orientation may be committed by persons of the same or the opposite sex.) District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

## Disciplinary Action

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

## Guidelines

Students who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving other students that they believe to be an act of harassment/discrimination shall as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination whether verbal or written, shall lead to a documented investigation and a written report. Employees who believe prohibited behavior is occurring or has occurred shall notify the victim’s Principal, who shall immediately forward the information to the Superintendent.

**HARASSMENT/DISCRIMINATION 09.42811 (CONTINUED)**

The Superintendent shall provide the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. The Superintendent/designee may take interim measures to protect complainants during the investigation.
2. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not limited to, the following:
	* Written notice provided in publications such as handbooks, codes, and pamphlets; and/or
	* Such other measures as determined by the Superintendent/designee.
4. Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District’s complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board- approved “Code of Acceptable Behavior and Discipline”.
5. Age-appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination, and
6. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the District’s Title IX Coordinator, as designated in the student handbook/code shall be notified.

## Notification

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination. In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227)

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with the law.

## Prohibited Conduct

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane, and relate to any of the protected categories listed in the definition of the harassment/discrimination contained in this policy
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors
3. Instances involving sexual violence
4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct

**HARASSMENT/DISCRIMINATION 09.42811 (CONTINUED)**

1. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories
2. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity
3. Destroying or damaging an individual’s property based on any of the protected categories

## Confidentiality

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

## Appeal

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority. Failure by employees, immediate supervisor, principal, and/or superintendent to report, notify, and/or initiate an investigation of alleged harassment/discrimination, as required by this policy, or to take corrective action shall be cause for disciplinary action.

## Retaliation Prohibited

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

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

## False Complaints

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

## Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

**REFERENCES:** KRS 158.156, KRS 158.148(4), KRS 158.150(1), KRS 158.440, KRS 160.295(7), 42USC2000e, Civil Rights Act of 1964, Title VII

**RELATED POLICIES:** 03.162, 03.262, 09.13, 09.2211, 09.227, 09.422, 09.426, 09.438

**HARASSMENT/DISCRIMINATION 09.42811 AP .21**

The Superintendent shall appoint an investigator who is not an alleged party in the complaint to investigate allegations of harassment/discrimination. The investigator shall be trained in this area, and her/his duties shall be assigned by the Superintendent/designee or, for contractors, set out in a contract, as appropriate. If the Superintendent is the alleged party, the Board shall designate an outside investigator and, after presentation of the final investigative report, determine when and how it is to be released. All instances involving suspected child abuse or criminal conduct shall be reported as required by law.

## Informal Procedure

If both parties agree, prior to a formal grievance process an administrator may facilitate a conversation between the complainant and the party alleged to have harassed or discriminated against the complainant. Both the complainant and the accused party may be accompanied by a person of their choice. If both parties feel that a resolution has been achieved, no further action needs to be taken. The results of an informal resolution shall be reported by the facilitator, in writing, to the Principal, along with a signed agreement, if one is reached. If any of the interested parties choose not to utilize the informal procedure, or feel that it has been unsuccessful, she/he may opt to proceed to the formal grievance procedure. However, any complaints directed at school employees or alleging criminal acts must be formally investigated and/or reported by state authorities as required by law.

**HARASSMENT/DISCRIMINATION 09.42811 AP. 21 (CONTINUED)**

## Formal Procedure

Students should make their complaint to their Principal or other designated administrator, who shall immediately, without screening or beginning an investigation, inform the Superintendent of receipt of the complaint. Otherwise, the complaint can be filed directly with the Superintendent or, in cases involving sexual harassment/discrimination, with the Title IX/Equity Coordinator. Employees who have knowledge of alleged or observed student harassment/discrimination shall immediately notify their Principal. The Superintendent shall designate an individual to investigate the complaint. If necessary, the investigator will seek assistance from District administrators. In some instances it may be necessary to involve legal counsel, when authorized by the Superintendent or by the Board if the Superintendent is the subject of the complaint.

## Timeline

The investigator shall provide the complainant and the accused with a copy of the District’s Policy 09.42811 and Notice to Individuals Complaining of Harassment/ Discrimination and inform the complainant and the accused of required timelines that have been established for initiation and completion of an investigation.

## Corrective Action

If corrective action is needed, the investigator shall recommend to the Superintendent/designee the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

**Using the designated form (09.42811 AP.24), a response shall be presented to the complainant and the accused (and to their parents/guardians if the student is under age eighteen or if student has reached age eighteen and has a legal guardian) within ten (10) school days of completion of this level of investigation.** Board policy allows for appeal of the decision made at this level and the opportunity to address the complaint to the Board of Education. An appeal must be made within ten (10) school days of receipt of a response at this level.

## Guidelines

1. The Board shall not hear grievances concerning personnel actions taken by the Superintendent/designee, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.
2. In some instances it may be necessary to involve legal counsel, when authorized by the Board.
3. The Superintendent/designee shall implement corrective action as determined by the Superintendent or by the Board, as appropriate under law, after appeal rights have been exhausted. If the Superintendent is subject to corrective action, the Board shall implement the action.
4. The District is prohibited from disclosing personally identifiable information contained in student discipline records under the Federal Educational Rights and Privacy Act and corresponding state law.
5. Employee evaluation and private reprimand information generally confidential and may require consent of the employee prior to release.

**RELATED POLICIES:** 09.2211; 09.227 **RELATED PROCEDURES:** 09.227 AP.1, 09.42811 (all procedures)

 B

**GRIEVANCE PROCEDURE FOR TITLE VI AND SECTION 504 09.42811AP.23**

Any student, parent, or staff of the Somerset Independent School District who believes he/she/they have been discriminated against or denied an opportunity because of race, color, national origin, or disability in any educational or extracurricular program or activity, by other students, employees, or third parties, have the right to file a grievance. Complainants may file a grievance with:

**Grievance Coordinator and Section 504 Coordinator**

**(“Grievance Coordinator”)**

**Somerset Independent Board of Education**

**305 College Street**

**Somerset, KY 42501**

**Telephone: (606) 679-4451**

**GRIEVANCE PROCEDURE FOR TITLE VI AND SECTION 504 09.42811AP.23 (CONTINUED)**

**Informal Grievance Procedure**

**Step 1.**

If a complainant feels that he/she has been discriminated against, the complainant may first bring the problem to the attention of the Grievance Coordinator within five (5) school days of the knowledge or alleged cause for grievance occurs. For purposes of this procedure, “school days” means all days when school is in session for the usual hours.

**Step 2.**

The Grievance Coordinator will work informally to negotiate a solution within ten (10) school days from the filing of a grievance. ***Any individual accused of misconduct may provide information for consideration.***

**Step 3.**

If the grievance cannot be satisfactorily resolved informally, the complainant may proceed to file a formal grievance within twenty (20) school days from the date the initial grievance was filed. **SEE BELOW**.

Filing informally is not required. A complainant may also directly file a formal grievance. **SEE BELOW**.

**Formal Grievance Procedure**

**Step 1.**

The complainant will notify the Principal of the school concerned in the grievance (unless the grievance concerns the Principal, in which case the notification shall be made to the Grievance Coordinator) in writing and within twenty (20) school days of the alleged discrimination or denial of service. The written notice should identify the nature of the violation(s), the dates that the violation(s) occurred, and be signed and dated by the person making the complaint. The complainant should identify all persons involved as a perpetrator or witness in order to allow full investigation.

***The complainant and any individual accused of the conduct at issue may present evidence for consideration as part of the investigation.***

The School Principal shall investigate or cause the investigation of the grievance, including interviews of all known persons with information regarding the grievance. For grievances involving the school Principal, the Grievance Coordinator, or designee (other than the school Principal) shall investigate the grievance.

The School Principal shall notify the complainant, ***and any individual accused of misconduct,*** in writing within ten (10) school days thereafter of the action taken, subject to redaction and confidentiality as may be required under applicable law pertinent to privacy interests of other concerned persons, ***which notice shall include the basis for the decision***.

**Step 2.**

If the complainant, ***and/or any individual accused of misconduct,*** are not satisfied with the action taken by the school Principal, he/she may appeal in writing within five (5) school days of the date of the school Principal’s written notice of action taken to the Superintendent. The written notice must identify the nature and details of the dissatisfaction with the efforts made to resolve the grievance to date, both informal and formal, and must include a copy of the formal grievance and copy of the notification received from the school Principal.

The Superintendent will conduct or direct the conduction of such additional investigation of the grievance as may be warranted, and then shall notify the complainant, ***and any individual accused of misconduct***, in writing within thirty (30) school days of the date of the appeal as to action taken, subject to redaction and confidentiality as may be required under applicable law pertinent to privacy interests of other concerned persons, ***which notice shall include the basis for the decision***.

**Step 3.**

If the complainant, ***and/or the accused***, are not satisfied with the action taken by the Superintendent, he/she may appeal in writing within five (5) school days after the date of the Superintendent’s action to the Board Chair. The written notice must identify the nature and details of the dissatisfaction with the efforts made to resolve the grievance to date, both informal and formal, and must include a copy of the formal grievance and copy of the notification received the from the school Principal and the Superintendent.

The Board Chair will notify the complainant in writing as to a hearing date, place, and time for a hearing by the Board of Education. The hearing shall be conducted in accordance with KRS 61.810(1)(f), with the hearing open or closed to the public in accordance with the directives and rights of the concerned parties. ***Any party to the proceeding, specifically including individuals accused of engaging in the conduct, which is the subject of the grievance, may present witnesses,***

**GRIEVANCE PROCEDURE FOR TITLE VI AND SECTION 504 09.42811AP.23 (CONTINUED)**

***other evidence, and be represented by counsel.*** If the complainant does not wish to make a verbal presentation, the complainant’s right to refrain from such activity will be respected, and the Board shall discuss the grievance without such presentation. The complainant, ***and any accused individual***, may be represented by counsel. A minor complainant shall further have the right to be accompanied by a parent or legal guardian. The complainant may present relevant information through sworn testimony of the complainant and others, and/or documents. The hearing shall be informal, with the Board having full discretion to weigh all information as it sees fit, and shall not be subject to formal rules concerning the admission of evidence.

***The Board’s decision shall be communicated in writing to the complainant and any individual accused of the conduct at issue, which notice shall include the basis for the decision.***

**THIS STEP (hearing before the Board of Education) IS ONLY AVAILABLE FOR GRIEVANCES WHICH DO NOT INVOLVE SCHOOL PERSONNEL OTHER THAN THE SUPERINTENDENT OR BOARD ATTORNEY, AS THE BOARD IS NOT PERMITTED TO INFLUENCE THE HIRING OR APPOINTMENT OF ANY OTHER SCHOOL EMPLOYEE UNDER APPLICABLE KENTUCKY LAW.**

**General Provisions Applicable to All Grievance Levels**

1. No one shall be subjected to any retaliation as the result of making or participating in any way in a grievance or investigation thereof.
2. All proposed and final resolutions shall address steps to prevent the recurrence of any prohibited actions and to correct any discriminatory effects therefrom on the complainant and others as appropriate.
3. If appeals are not timely made, it is assumed the decision at the last level pursued by the complainant has been accepted.

This grievance procedure is a prerequisite for the pursuit of other remedies.

**NOTHING HEREIN SHALL ABRIDGE OR DENY ANY COMPLAINANT FROM PURSUING ANY OTHER REMEDY UNDER ANY OTHER APPLICABLE POLICY OR PROCEDURE OF THE SOMERSET INDEPENDENT SCHOOL DISTRICT. COMPLAINANTS MAY WISH TO REFERENCE POLICIES ON GRIEVANCES (OTHER THAN REGARDING RACE OR DISABILITY), BULLYING/HAZING, AND HARASSMENT AND DISCRIMINATION FOR OTHER AVAILABLE RIGHTS AND REMEDIES.**

THIS PROCEDURE SHALL BE AVAILABLE AT ALL TIMES ON THE DISTRICT WEBSITE, IN THE DISTRICT OFFICE, AND IN THE OFFICE OF EACH SCHOOL. IT SHALL ALSO BE PUBLISHED IN EACH STUDENT HANDBOOK.

**Related Procedures:** 03.162 (all procedures); 03.262 (all procedures); 09.4281 (all procedures); 09.42811 (all procedures)

**GAMBLING 09.4292**

Gambling of any nature on school premises, on the way to and from school, or at school-sponsored or school-related activities is prohibited.

Violation shall constitute reason for appropriate disciplinary action, including, but not limited to, detention, loss of privileges, and removal of the student from school, class, or school-related activity.

**CHEATING 09.4293**

## Cheating

Cheating, including but not limited to plagiarism, in academic or athletic activities shall not be tolerated. The offending student shall be subject to appropriate disciplinary action, including, but not limited to, loss of privileges and removal of the student from school, class, or school-related activities.

## Plagiarism

Plagiarism as defined in the 2008 Kentucky Department of Education’s Kentucky Writing Handbook – Helping Students Develop as Proficient Writers and Learners, is, “The act of a writer using the exact words, unique ideas, or the intellectual property (e.g., charts, graphics, designs, etc.) of another’s work and representing it as his or her own original work. Because plagiarism is the most serious of academic crimes, it is met with severe punishment. The Somerset Independent School District will follow the guidelines and regulations established by the Kentucky Department of Education with respect to plagiarism of portfolio documents. Students will not receive credit for an assignment which has been plagiarized. Students and parents should take note that plagiarism may cause a student to be unable to graduate.

**DRIVER’S LICENSE REVOCATION 09.4294**

Students who are sixteen (16) or seventeen (17) years old who become academically deficient or deficient in attendance shall be reported to the Transportation Cabinet for driver’s license, permit or driving privilege revocation.

## Academic and Attendance Deficiencies

Academic and attendance deficiencies for students age sixteen (16) or seventeen (17) enrolled in regular, alternative, part- time, and special education programs shall be defined as follows:

* 1. They shall be deemed academically deficient if they have not received passing grades in at least four
		1. courses, or the equivalent of four (4) courses, taken in the preceding semester.
	2. They shall be deemed deficient in attendance when they accumulate nine (9) unexcused absences for the preceding semester. Suspensions shall be considered unexcused absences.

## Reinstatement of Driving Privilege

Students whose driving permits are revoked, but later meet the statutory standards for reinstatement, must then apply to the Director of Pupil Personnel to have their standing confirmed. The District shall make the required report to the appropriate agency.

**REFERENCES:** KRS 159.051, KRS 186.470, 601 KAR 13:070; OAG 77-419

**RELATED POLICIES:** 08.221, 09.123

**STUDENT DISCIPLINARY PROCESSES 09.43**

## School-Related Activities

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

## Treatment of Pupils

Student disciplinary measures should not be administered in a manner that is humiliating, degrading, or unduly severe or in a manner that would cause the pupil to lose status before the peer group. Teachers should guard against making remarks to other pupils concerning a student’s shortcomings. Unless an administrator or the Board acts under authority of KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a student based on juvenile court information received by the employee from any source. Administrators may act to protect staff and students when the student’s conduct, as reflected by the information, indicates a substantial likelihood of an immediate and continuing threat of harm to students or staff. In cases where such actions are necessary, the following provisions shall apply:

1. Restrictions imposed on the student shall represent the least restrictive alternative available and appropriate to remedy the threat.
2. Supporting material shall be documented and kept with student’s juvenile court record.
3. The student and/or parent/guardian may appeal actions taken to the Superintendent or to the Circuit Court with appropriate jurisdiction.

## Serious Problems

Serious disciplinary problems shall be promptly reported to the Principal and to the parent(s) of the student.

## Council Responsibility

Each school council shall select and implement discipline and classroom management techniques for the school. The council’s discipline policies shall provide for involvement of parents in disciplinary situations involving their children. In non-SBDM schools, the Principal shall make these decisions in compliance with Board policy.

## Children and Youth with Disabilities

Discipline for children and youth with disabilities shall observe, and be in conformity with, federal and state procedures and guidelines.

**DUE PROCESS 09.431**

## Right to Due Process

Before being punished at the school level with suspension for violation of school regulations, a pupil shall have the right to the following due process procedures:

1. Pupils shall be given oral or written notice of the charge(s) against them.
2. If the pupils deny the charge(s), they shall be given an explanation of the evidence against them.
3. Pupils shall be given an opportunity to present their own version of the facts concerning the charge(s).

## Students with Disabilities

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

**DETENTION 09.432**

## Principal to Establish

The Principal or the Principal’s designee may establish a detention hall as an alternative disciplinary method.

## Notice to Parents

A pupil’s parent/guardian shall be notified prior to the detention so that transportation may be arranged by the parent.

**CORPORAL PUNISHMENT 09.433**

Employees shall not utilize corporal punishment as a penalty or punishment for student misbehavior. Corporal punishment shall refer to the deliberate infliction of physical pain on a student by any means.

**SUSPENSION 09.434**

## Who May Suspend

In accordance with KRS 158.150, the Principal or assistant Principal may suspend a pupil up to a maximum of five

* + 1. days per incident.

The Superintendent may suspend a pupil up to a maximum of ten (10) days per incident.

## Length of Suspension

A pupil may not be suspended for more than a total of ten (10) days per incident. Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the Superintendent/designee.

## Prior Due Process Required

A pupil shall not be suspended until due process procedures have been provided as described in KRS 158.150 (09.431)1, unless immediate suspension is essential to protect persons or property or to avoid disruption of the educational process. If the Superintendent lengthens the period of suspension imposed by the Principal, additional due process shall be provided.

## Imminent Danger

In such cases, due process shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

## Written Report Required

The Principal or assistant Principal shall report any suspension in writing1 immediately to the Superintendent and to the parent of the pupil being suspended. The written report shall include the reason for the suspension, the length of time of the suspension, and the conditions for reinstatement.

## Extracurricular Activities

A student on suspension shall not be allowed to participate in any extracurricular activity sponsored by the school.

## Students with Disabilities

In cases which involve handicapped students, the procedures mandated by federal and state law for handicapped students shall be followed.

**ALTERNATIVE EDUCATION 09.4341**

## Notification

The principal or his/her designee shall notify the parents by letter of their child’s assignment to the Alternative Education Program.The letter shall include length and reason for assignment, expected behavior of the student, and notification that assignment may be extended or shortened depending upon the attitude and cooperation of the student.

**Attainment of a High School Equivalency Diploma**

Students enrolled in a District-operated alternative education program shall be eligible to seek attainment of a High School Equivalency Diploma if the student:

* Is at least seventeen (17) years of age;
* Is not on track to graduate\*; and
* Has previously attained a passing score on an official readiness test for High School Equivalency Diploma.

 \*Not on track to graduate-At the fourth (4th) school year, cumulative grade point average of less than 2.5 and/or not at

 the 75% mark to obtain the minimum twenty-two (22) credits to graduate.

 A student who has attained a High School Equivalency Diploma shall be exempt from compulsory attendance.1

## Assignment

For conduct that disrupts the educational process, a student may be assigned to the Alternative Education Program by the principal or/ his designee. The duration of assignment shall be fixed by the principal or his/her designee.

## Supervision

The student shall remain in the regular school setting but shall be isolated from the regular school schedule. Opportunities shall be provided for the student to continue regular school work under the supervision of the school staff, and counseling services shall be provided to address school-related problems.

**EXPULSION 09.435**

## Board May Expel

The Board may expel any pupil from the regular school setting for misconduct as defined by law. Provision of educational services shall be required unless the Board determines, on the record and supported by clear and convincing evidence, that the expelled student poses a threat to the safety of other students or school staff and could not be placed in a state-funded agency program. Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drug or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.

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

## Hearing and Records Required

Action to expel a pupil shall not be taken until the parent of the pupil has had an opportunity for a hearing before the Board. The special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel. The Board’s decision shall be final.

## Students with Disabilities

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

## Transfer of Records

Records transferred to another school must reflect the charges and final action of an expulsion hearing if the student was expelled for homicide, assault, or an offense in violation of state law or school regulations governing weapons, alcohol or drugs. Records of a student facing an expulsion hearing on charges described above shall not be transferred until the expulsion hearing process is completed.

**SEARCH AND SEIZURE 09.436**

## Reasonable Suspicion

No pupil’s outer clothing, pockets, or his/her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there are reasonable grounds to believe the search will reveal evidence that the pupil has violated, or is violating, either a school rule or the law. Search of a pupil’s person shall be conducted only with the express authority of the Principal/designee.

## Authorized Personnel

Searches of a pupil’s person or his/her personal effects shall only be conducted by a certified person directly responsible for the conduct of the Principal/designee of the school which the student attends. However, when an immediate threat to the health or safety of others occurs off site with no certified employee reasonably available, a non-certified person (i.e. bus driver or coach/sponsor) that is responsible for the students is authorized to conduct the search of a student or his/her personal effects. Examples of immediate threats would include reasonable suspicion of the presence of illegal drugs or weapons.

## Witness/Personal Searches

When a pat-down search of a pupil’s person is conducted, the person conducting the search shall be the same sex as the pupil; and a witness of the same sex as the pupil shall be present during the search. In addition, no search of a pupil shall be conducted in the presence of other students. These restrictions shall not apply to situations involving an imminent threat to students or staff where immediate action is required to prevent harm to health and safety.

## Strip Searches

No strip searches of students shall be permitted.

## Failure to Cooperate

Students who fail to cooperate with school authorities when requested to shall be subject to other disciplinary action.

**SEARCH AND SEIZURE 09.436 (CONTINUED)**

## Regular Inspection

School property; such as lockers, desks, network systems, technology resources and accounts owned and supplied by the District, are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all such property and resources on a regular basis. During these inspections, items which are school property, such as overdue library books may be collected. Students should not expect privacy for items and information left in such locations. A single desk, locker, or technology resource/account may be searched if reasonable grounds exist to believe that evidence of a violation of the law or school rule is contained therein.

## Illegal Items

Illegal items (i.e. weapons, drugs, etc.) or other possessions reasonably determined by proper school authorities to be a threat to the pupil’s safety and to others’ safety and security may be seized by school officials.

## Other Disruptive Items

Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the pupil’s possession by a staff member. Such items may be returned to the pupil by the staff member or through the Principal’s office.

## Disposition of Items

All items which have been seized shall be turned over to the proper authorities or returned to the true owner.

## Use of Trained Dogs

Subject to the following conditions, the Principal may authorize the use of trained dogs to locate contraband (prohibited items) on school grounds:

* + - 1. The dogs shall be certified as never having been trained as attack dogs.
			2. The Principal or the Principal’s designee shall be present.
			3. Searches involving dogs shall be conducted only when students are in classrooms or other designated safe area; no student shall be in the vicinity of the site being searched.
			4. All dogs shall be on a leash and will not be allowed to come in close proximity to any student.

**POLICE OFFICERS IN THE SCHOOL 09.4361**

School officials shall cooperate with law enforcement agencies in cases involving students (i.e., serving of subpoenas, juvenile petitions or warrants, or taking students into custody). As soon as possible, officials shall endeavor to notify the parents of students who are arrested. When students are arrested at school, the Principal/designee shall make a written record of the identity of the officer making the arrest, the nature of the offense charged, the name of the issuing authority of any arrest warrant, and the place of custody.

**Crimes off School Property**

In the interest of the student’s welfare, the following requirements shall be followed when the police officers ask to question or remove a student from the school whom they suspect of committing a crime off school property:

1. Parents/guardians shall be notified by school officials as soon as possible.
2. If the parents come to the school or consent to permit the officer(s) to interview the student, a private place for the interview shall be provided.
3. If the parents cannot come to the school and do not consent to the interview, the police should be advised to either bring a warrant, court order or juvenile petition or arrange to interview the student off the school grounds.
4. If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Families and Children representative as to whether to contact a parent, and shall provide the cabinet access to a child subject to an investigation without parental consent.

## Crimes on School Property

Except in cases of emergencies involving threats to health and safety as determined by the Superintendent, when the District calls law enforcement officials to question students concerning crimes committed on school property, the Principal shall make an effort to notify the parent(s)/guardian(s).

**REFERENCES:** OAG 76-129; OAG 85-134; OAG 92-138; KRS 620.072

**RELATED POLICY:** 09.123; 09.227

AR

**Public Records Notice10.11 AP.21**

**Public Information**

In accordance with the Kentucky Open Records Law, it shall be the policy of the Board to make accessible to the public those public records identified in [KRS 61.872](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/872.pdf&requesttype=krs) as available for public inspection. Inspection may be made during the regular office hours of the custodian of the records and/or under the conditions and restrictions specified in [KRS 61.872](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/872.pdf&requesttype=krs). Citizens may, upon proper application and as specified in [KRS 61.872](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/872.pdf&requesttype=krs) – [KRS 61.884](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/884.pdf&requesttype=krs), make abstracts, memoranda, and obtain copies of records which are available to the public. Fees shall be charged to cover the cost of making copies and postage, if any; such fees will not exceed the actual copying and mailing costs. Staff costs shall not be included in the fee. Inspection of records shall be made under the supervision of the custodian of the records or the custodian's designee, and copies shall be made only by properly authorized District employees.

**Office of Educational Accountability**

The Office of Educational Accountability shall have access to all public records and information on oath as provided in [KRS 7.110](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/007-00/110.pdf&requesttype=krs). The Office shall also have access to otherwise confidential records, meetings, and hearings regarding District personnel matters, including files maintained in electronic format. The Office shall not disclose any information contained in or derived from the records, meetings, and hearings that would enable the discovery of the specific identification of any individual.

**Exceptions**

Records protected by [KRS 61.878](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/878.pdf&requesttype=krs) shall not be made available to the public, except under court order as provided by [KRS 61.878](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/878.pdf&requesttype=krs), [KRS 61.880](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/880.pdf&requesttype=krs), and [KRS 61.882](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/882.pdf&requesttype=krs).

The Board will not release information from educational records except in conformity with the provisions of the Family Educational Rights and Privacy Act, as amended.

**References:** [KRS 7.110](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/007-00/110.pdf&requesttype=krs); [KRS 7.410](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/007-00/410.pdf&requesttype=krs); [KRS 61.870](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/870.pdf&requesttype=krs);[KRS 61.872](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/872.pdf&requesttype=krs); [KRS 61.874](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/874.pdf&requesttype=krs); [KRS 61.876](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/876.pdf&requesttype=krs);[KRS 61.878](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/878.pdf&requesttype=krs); [KRS 61.880](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/880.pdf&requesttype=krs); [KRS 61.882](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/882.pdf&requesttype=krs), [KRS 61.884](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/061-00/884.pdf&requesttype=krs); Art. 6252‑17A, Sec. 14(e), V.A.T.S.;[OAG 76‑375](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG76375.htm&requesttype=oag); [OAG 80‑207](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG80207.htm&requesttype=oag); [OAG 85‑109](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG85109.htm&requesttype=oag); [OAG 89‑90](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG8990.htm&requesttype=oag);1996 Open Records Decision 159;Kentucky Family Educational Rights and Privacy Act;Kentucky Education Technology System (KETS)

**Related Policies:** 01.6; 03.15; 03.25; 09.14

**Citizen Complaint to the Board10.2AP.2**

**The Board will consider complaints regarding Board actions and policy matters. All other complaints should be directed to the school administrative unit(s) in which the problem arises.**

Complaint initiated by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Street Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State \_\_\_\_\_\_\_\_\_\_ ZIP Code \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Complainant represents 🞏 himself/herself 🞏 organization, specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What is your initial complaint? Use full names, dates, exact occurrences, if appropriate. Attach additional page(s) if necessary.

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What result(s) are you seeking from this complaint? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Check the levels of school administrative units with whom you have discussed this complaint, as per Policy 10.2.

🞏 Teacher 🞏 Principal 🞏 School Council (where appropriate) 🞏 Superintendent/designee

What response have you received from these different administrative levels?

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\*What action are you requesting the Board to consider? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**\*The Board reserves the right to defer and redirect complaints that have not been explored to the appropriate administrative level(s).**

**Related Procedure:** 09.42811 AP.23

**VISITORS TO THE SCHOOL 10.5**

The board encourages parents, professional educators, and others who have legitimate educational interests

pertaining to the District’s public school program to visit the schools. To ensure that school personnel are aware of visitors’ presence, visits to classrooms shall be scheduled in advance unless authorized by the principal/designee, and all visitors must report immediately to the Principal’s office upon entering the school and identify themselves as well as declare their purposes for visiting.

## Registrants

No registrant, as defined in KRS 17.500 nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a District school, except with the advance written permission of the Principal or the Board that has been given, after full

disclosure of the person’s status under KRS 17.510 as a registrant or sex offender from another state and all registrant information as required in KRS 17.500.

A registrant is defined as:

1. Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020 who has committed:

**VISITORS TO THE SCHOOL 10.5 (CONTINUED)**

* 1. a sex crime; or
	2. a criminal offense against a victim who is a minor; or
1. Any person required to register under KRS 17.510 or
2. Any sexually violent predator; or
3. Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed.

A registrant who is the parent/legal guardian or the person designated by the parent/legal guardian to have access to a student must request and receive prior permission from the Principal to come onto school grounds. The Principal shall determine whether the requesting registrant is permitted to come onto the school grounds for the following reasons:

1. To pick up or drop off their child each day.
2. To pick up the child who is injured or ill.
3. To confer with school staff concerning academic, disciplinary or placement issues involving the student, including matters required by federal or state law.
4. To attend a school activity, including athletic practices and competition, in which the student is a participant.
5. To vote when the school has been designated as a polling place.

Depending on the facts of the particular request, the Principal’s response options may include, but are not limited to the following:

* Requiring the registrant to provide additional information needed;
* Specifying check-in and check-out requirements;
* Requiring the registrant to be directly supervised by an individual designated by the Principal while on school grounds;
* Restricting the registrant to a designated location on school grounds;
* Limiting the time the registrant will be permitted to be on school grounds; and
* Denying the request to come onto school grounds.

The Principal shall notify the Superintendent/designee of each request from a registrant and the response made to the registrant. If questions arise about a request, the Principal shall consult with the Superintendent concerning requests from registrants, and the Superintendent may seek further advice from the Board Attorney. For all other reasons and for all individuals making a request other than parent/legal guardian/designee, the Principal shall consult with the Superintendent as executive agent of the Board before making the final determination.

## Conduct/Prohibition or Recording

All visitors to the schools must conduct themselves so as not to interfere with the daily operation of the school program. Due to privacy concerns, and except for emergency situations, personally owned recording devices are not to be used to create video or audio recordings or to take pictures except with prior permission from the Principal/designee and the affected individual(s). An exception may be made for events considered to be in the public arena (e.g. sporting events, academic competitions, or performances to which the general public is admitted) where the activity does not materially disrupt the event, prevent others from observing the event, or otherwise violate legal rights. School social events for students, activities sponsored by student clubs, and activities during the school day that are not open to the public are not considered to be in the public arena. Such devices include, but are not limited to, personal cell phones and tablets.

## Protection of School Personnel, Property, Students

The Board delegates to the Superintendent the authority to issue a ban against a person or persons from coming onto school property when there is evidence that one or more of the following has occurred:

* The individual has participated in illegal activities or school property;
* The individual has used unnecessary physical force and/or the threat thereof against students, school personnel, or other members of the public on school property;
* A non-student’s conduct at school-sponsored events on school premises warrants a ban in the interest of student/school personnel safety and security; and/or
* A person has directed speech or conduct toward a teacher or school administrator when such person knows or should know that the speech or conduct will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school.

**VISITORS TO THE SCHOOL 10.5 (CONTINUED)**

## Use of Tobacco, Alternative Nicotine, or Vapor Products Prohibited

The use of any tobacco product, alternative nicotine product, or vapor product, as defined in KRS 438.305, is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by the Board and while attending or participating in any school-related student trip or student activity and in the presence of a student or students.1 Adequate notice shall be provided to students, parents and guardians, school employees, and the general public. Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property. School employees shall enforce the policy. Person in violation of this policy, in addition to fines which may be imposed by law2 are subject to verbal warnings to refrain from use of the subject product. Refusal to refrain from such use or repeated instances of prohibited use after prior warnings may subject the individual to a ban from school property as permitted by law and corresponding civil and criminal penalties.3

## Accommodation

Visitors with disabilities shall be accommodated as required by law. Individuals requesting accommodation shall contact the District ADA/504 Coordinator for assistance and guidance. Accommodations may include, but are not limited to, the following considerations:

* 1. Effective communication
	2. Use of power driven mobility devices
	3. Event ticket sales accommodation
	4. Use of service animals
	5. Companion seating at events

The District shall notify the public of any requirements and/or deadline for requesting such accommodation.

## Website Accessibility

The district is committed to ensuring accessibility of its website for students, parents, and members of the

community with disabilities. All pages on the District’s website will conform to the W3C WAI’s Web Content Accessibility Guidelines (WCAG) 2.0 Level AA conformance, or updated equivalents. Under District developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

**REFERENCES:**

1 KRS 161.190; KRS 17.545; KRS 17.500; KRS 17.510; KRS 160.380; KRS 211.394; KRS 211.395; KRS 600.020; KRS 620.146,OAG 91-13; P.L. 114-95, (Every Student Succeeds Act of 2015) 29 U.S.C. 794 Rehabilitation Act of 1973, (Section 504) 42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII; 42 U.S.C. 12101 et seq. Americans with Disabilities Act

**RELATED POLICIES:**

01.1; 03.113; 03.162; 03.212; 03.262; 05.3; 09.1231; 09.227; 09.3211; 09.426; 09.42811; 10.2

**VISITORS TO THE SCHOOL 10.5 AP1**

## Classroom Visitation

Requests for classroom observation by parents, educators, or other local citizens with legitimate educational interests pertaining to the District’s public school program shall be made to the Principal with reasonable notification. The Principal may grant the request if:

1. The teacher involved is notified in advance of the arrangement.
2. The number in the group is small enough to be accommodated in the classroom without interfering with the class.
3. The frequency of the visits does not interfere with the scheduled instructional program in the classroom.

## Lunch with Family members

Parents, guardians, grandparents, or other immediate family members as approved by the principal/designee may request to have lunch with their child/grandchild. Otherwise, except for authorized District personnel, each child shall observe a closed campus at lunch.

## Special Invitation

A special invitation for parents and other interested persons to visit the schools may be extended during appropriate

**VISITORS TO THE SCHOOL 10.5 AP1 (CONTINUED)**

school programs or activities and special occasions.

## Observation by Outside Agencies

These procedures are established for the purposes of observation only.

**NOTE:** Unless an outside provider has been sought out and contracted for a needed service by the District, no private therapy or service shall be provided to a student during the school day within a District School.

The following information/documentation is required by the District before a private, outside therapist/service provider can observe its private client within a District School. Information must be sent to the Director of Special Education (special education students) or to the Director of Health and Family Resource Youth Center (FRYSC) Services (regular education students):

* Background check clearance on file with District Schools Central Office
* Individual liability insurance certificate or worker’s compensation insurance certificate
* A copy of credentials in the form of certification/license for the purpose of observation
* A signed release (form can be requested from the school) by the parent/guardian noting that the therapist/outside service provider has been given permission to observe their child during the school

Once this information is received, the therapist/service provider may be allowed to come and observe the identified student as follows:

* + At a time/day to be designated and assigned by the Principal/designee (to cause as little disruption to the class or school/learning environment as possible.
	+ The therapist is to observe only during these designated times in an education setting (or activity such as lunch or social gathering) and only if confidentiality of other students/parents and disruption of the educational process in these settings can be adequately addressed by the Principal/designee.
	+ At any time the school or District needs to cancel an appointment or not allow an outside agency/therapist/service provider to return to the school setting, the outside agency will be notified; and
	+ The outside service providers MUST provide a photo I.D. as well as sign in and out at the school office any time they are on school property during the school day.

#  SOMERSET INDEPENDENT SCHOOL DISTRICT’S PUBLIC NOTICE

## NOTIFICATION OF FERPA RIGHTS and CHILD FIND For CHILDREN WITH DISABILITIES IN NEED of SPECIAL EDUCATION or 504 SERVICES

**NOTIFICATION OF FERPA RIGHTS**

The Family Education Rights and Privacy Act (FERPA) affords parents and “eligible students” (students over 18 years of age or students who are attending a postsecondary institution) certain rights with respect to the student’s education records. They are:

1. ***The right to inspect and review the student’s education records within (45) days of the day the District receives a request for access.***

Parents or eligible students should submit to the school Principal/designee a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the record(s) may be inspected.

1. ***The right to inspect and review logs documenting disclosures of the student’s education records.***

Except for disclosure to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to the parent or eligible student, FERPA regulations require the District to record the disclosure.

1. ***The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or in violation of the student’s privacy or other rights.***

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of privacy or other rights. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

1. ***The right to provide written consent prior to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.*** Exceptions that permit disclosure without consent include:
	1. Disclosure to school officials with legitimate educational interests. A “school official” is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a volunteer, or an outside person or company with whom the District has contacted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility to the District. This may include contractors, consultants, volunteers, and other parties to whom the District has outsources services or functions.
	2. Upon request, disclosure of education records without parent/eligible student notice or consent to officials of another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled or to other entities authorized by law so long as the disclosure is for the purposes related to the student’s enrollment or transfer.
	3. Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.
	4. Disclosure to state and local educational authorities and accrediting organizations subject to requirements of FERPA regulations. Designated Kentucky State agencies may be permitted access to student record information, which will depend on the authority granted to their particular agency.
2. ***The right to notify the District in writing to withhold information the Board has designated as directory information as listed in the annual directory information notice the District provides to parents/eligible students.*** To exercise this right, parents/eligible students shall notify the District by the deadline designated by the District.
3. ***The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U.S. Armed Forces and its service academies, the Kentucky Air National Guard, the Kentucky Army National Guard*** and institutions of higher education upon their requests.

Unless the parent student, who has reached the age of 18, requests in writing that the District not release information, the student’s name, address, and telephone number (if listed) shall be released to Armed Forces recruiters and institutions of higher education upon their request.

1. ***The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:*** FAMILY POLICY COMPLIANCE OFFICE

U.S. DEPARTMENT OF EDUCATION 400 MARYLAND AVENUE, SW WASHINGTON, DC 20202-4605

**DIRECTORY INFORMATION**

The Superintendent or the Superintendent’s designee is authorized to release Board approved directory information. “Directory Information” is information contained in an educational record which would not generally be considered harmful or an invasion of privacy if disclosed. This information may be released without consent. “Directory Information” includes the student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. The parent, guardian, or eligible student currently enrolled may request that all or part of the “Directory

Information” be withheld. Somerset Independent School District’s process for any eligible student, parent, or guardian who does not wish to have directory information released shall make a request in writing to the Principal of the child’s school within thirty (30) calendar days after the Annual FERPA Notice has been distributed. The written request must specifically state what information may not be classified as “Directory Information”.

**CHILD FIND**

The *Somerset Independent School District* keeps educational records in a secure location in each school and Board office.

The *Somerset Independent School District* obtains written consent from a parent or eligible student (age 18 or who is attending a postsecondary institution), before disclosing personally identifiable information to an entity or individual not authorized to receive it under FERPA.

For students who have been determined eligible for Special Education, educational records will be destroyed at the request of the parents when they are no longer needed to provide educational programs or services. The Som*erset Independent School District* may destroy the educational records of a child without parent request three years after they are no longer needed to provide educational programs or services. Parents are advised that data contained in the records may later be needed for Social Security benefits or other purposes. The *Somerset Independent School District* may retain, for an indefinite period of time, a record of the student’s name, address, telephone number, grades, attendance records, classes attended, grade level completed, and year completed.

Children eligible for Special Education include those children with disabilities who have autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment and who because of such an impairment need Special Education services.

Children eligible for 504 services include those children who have a current physical or mental impairment that currently substantially limits some major life activity, which causes the student’s ability to access the school environment or school activities to be substantially limited.

The *Somerset Independent School District* has an ongoing *“Child Find”* system, which is designed to locate, identify and evaluate any child residing in a home, facility, or residence within its geographical boundaries, age three (3) to twenty-one (21) years, who may have a disability and be in need of Special Education or 504 services. This includes children who are not in school; those who are in public, private, or home school; those who are highly mobile such as children who are migrant or homeless; and those who are advancing from grade to grade, who may need but are not receiving Special Education or 504 services.

The district’s “Child find” system includes children with disabilities attending private or home schools within the school district boundaries who may need special education services.

The *Somerset Independent School District,* will make sure any child enrolled in its district who qualifies for Special Education or 504 services, regardless of how severe the disability, is provided appropriate Special Education or 504 services at no cost to the parents of the child.

Parents, relatives, public and private agency employees, and concerned citizens are urged to help the *Somerset Independent School District* find any child who may have a disability and need Special Education or 504 services. The district needs to know the name and age, or date of birth of the child; the name, address, and phone number(s) of the parents or guardian; the possible disability; and other information to determine if Special Education or 504 services are needed.

Letters and phone calls are some of the ways the *Somerset Independent School District* collects the information needed. The information the school District collects will be used to contact the parents of the child and find out if the child needs to be evaluated or referred for Special Education or 504 services.

**CHILD FIND (CONTINUED)**

If you know a child who lives within the boundaries of the Somerset Independent School District, who may have a disability, and may need but is not receiving Special Education or 504 services, please call (606) 679-4451 or (606) 679-5466 or send information to:

Carol Cravens

Director of Special Education Section 504 Coordinator Somerset Independent Schools 305 College Street

Somerset, KY 42501

Telephone: (606) 679-5466

If you know a child who attends a private or home school within the boundaries of Somerset Independent School District, who may have a disability, and may need but is not receiving Special Education Services, please call (606) 679-5466 or send information to: Carol Cravens

Director of Special Education Somerset Independent Schools 305 College Street

Somerset, KY 42501

Telephone: (606) 679-5466 or (606) 679-4451

“Child Find” activities will continue throughout the school year. As a part of these efforts, the Somerset Independent School District will use screening information, student records, and basic assessment information it collects on all children in the District to help locate those children who have a disability and need Special Education or 504 services. Any information the District collects through “Child Find” is maintained confidentially.

Written Policies and Procedures have been developed which describe the District’s requirements regarding the confidentiality of personally identifiable information and “Child Find” activities. There are copies in the Principal’s office of each school, and in the Board of Education office. Copies of these Policies and Procedures may be obtained by contacting:

Director of Pupil Personnel Somerset Independent Schools 305 College Street

Somerset, KY 42501

Telephone: (606) 679-4451

The District office is open Monday through Friday from 8:00 a.m. to 5.00 p.m.

The Somerset Independent School District provides a public notice in the native language or other mode of communication of the various populations in the geographical boundaries of the District to the extent feasible.

If you know of someone who may need this notice translated to another language, given orally or delivered in some other manner or mode of communication, please contact the Director of Pupil Personnel, the Director of Special Education, or the Section 504 Coordinator at the address or telephone number listed above for the Somerset Independent Schools.

## HIPAA NOTIFICATION

HIPAA is the Health Insurance Portability and Accountability Act. Most school records are subject to the FERPA privacy requirements previously described, however students that receive health services billed through Medicaid will have records maintained according to the HIPAA guidelines.

You may request from your school nurse information about how we use medical information about your child and when we can share that information with others.

We protect the privacy of your child’s health information by:

* + Limiting how we use and disclose health information.
	+ Providing physical safeguards including secure offices and storage facilities.
	+ Providing electronic protections and procedures.
	+ Training employees on our privacy policies and procedures.

If you have any questions about your rights or our duties with respect to medical information concerning your child, please contact your child’s principal.

**SCHOOL NURSE SERVICES**

Students and their parents/legal guardians have the freedom to choose their health care providers.

To the extent the students and their parents/legal guardians choose to utilize the services of a school nurse, please note that documents authorizing such services and the release of protected health information among providers and their business associates shall be required.

**NOTIFICATION OF PPRA RIGHTS**

**Distribute this notice annually to parents and students.**

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

* **Consent before minor students are required to submit to a survey, analysis, or evaluation** that concerns one (1) or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education:
1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships such as with lawyers, physicians, or ministers;
7. Religious practices, affiliations, or beliefs of the student or the student’s parents; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

## Receive notice and an opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student (except for any physical exam or screening permitted or required under state law); and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. **NOTE**: If the parent/eligible student has indicated no directory information is to be provided to third parties or if the marketing activity involves provision of social security numbers, consent form 09.14 AP.122 should be used.

## Inspect, upon request and before administration or use:

1. Protected information surveys to be used with students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

Notice of these rights under law in the Student Handbook, the District *Code of Acceptable Behavior and Discipline*, or other avenue designated by the Superintendent/designee.

The District shall also notify parents and eligible students at least annually at the start of each school year of the specific or approximate dates of the activities listed above. A new or supplemental notice shall be given as necessary to provide the opportunity to consent or opt out under the standards set forth above. Parents/eligible students who believe their rights have been violated may file a complaint with:

***Family Policy Compliance Office***

***U.S. Department of Education 400 Maryland Ave., SW***

***Washington, D. C. 20202-8520***

**NOTIFICATION OF RIGHTS TO REQUEST TEACHER QUALIFICATIONS**

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

* + Whether the teacher has met the state requirements for certification for the grade levels and subject matters in which the teacher provides instruction.
	+ Whether the teacher is teaching under emergency or other provisional status.
	+ The college major and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
	+ Whether your child is provided services by para educators, and if so, their qualifications.

If you would like to request this information, please contact the Title I Director at Central Office.

## GIFTED PROCEDURES SAFEGUARDS 08.132 AP1

**Procedural Safeguards and Grievances**

Parents and/or students (Grades P-12) may petition for identification or may appeal non-identification or appropriateness of services.

1. The appealing party shall submit in writing to the Gifted-Talented Coordinator specifically why s/he believes that screening results are not accurate or talent pool services or service options in the gifted and talented student services plan are not appropriate and why an exception should be made or reconsideration given.
2. The Gifted-Talented Coordinator shall compile student data and present that along with the petition or appeal to the Selection/Placement Committee. The information presented shall include a recommendation accompanied by available substantiating evidence.
3. The Committee shall hear appeals, make a recommendation, and respond in writing to the appealing party within ten (10) working days of receipt of the appeal and accompanying information. If the appeal concerns the non-availability of appropriate service options, the committee shall consult with the school council.
4. If the Committee rules in favor of the grievant, the following option shall apply as appropriate:
	1. S/he may participate in the program as soon as the parent or guardian signs the required permission form.
	2. A change in either the gifted and talented student services plan or provision of services shall be made in a timely manner.
5. If the Committee rules against the grievant, a further written appeal may be made to the Superintendent, who must respond in writing within ten (10) working days of receipt of the appeal.
6. Should the Superintendent uphold the decision of the Selection/Placement Committee, the appealing party may petition the Board, which will have the final decision in the case. The Board shall made a determination at the next regular meeting following receipt of the appeal.

## CURRICULUM AND INSTRUCTION 08.2323

## Access to Electronic Media

(Acceptable Use Policy)

The Board supports reasonable access to various information formats for students, employees and the community and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner as required by this policy and related procedures, which apply to all parties who use District technology.

## Safety Procedures and Guidelines

The Superintendent shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyber bullying awareness and response.

Internet safety measures, which shall apply to all District-owned devices with Internet access or personal devices that are permitted to access the District’s network, shall be implemented that effectively address the following:

* Controlling access by minors to inappropriate matter on the Internet and World Wide Web
* Safety and security of minors when they are using electronic mail, chat rooms, and other forms of direct electronic communication
* Preventing unauthorized access, including “hacking’ and other unlawful activities by minors online
* Unauthorized disclosure, use and dissemination of personal information regarding minors
* Restricting minor’s access to materials harmful to them

A technology protection measure may be disabled by the Board’s designee during use by an adult to enable access for bona fide research or other lawful purpose.

The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate its Internet safety measures.

Specific expectations for appropriate Internet use shall be reflected in the District’s “Code of Acceptable Behavior and Discipline” including appropriate orientation for staff and students.

## Permission/Agreement Form

A written parental request shall be required prior to the student being granted independent access to electronic media involving District technological resources.

The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student’s parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

## Disregard of Rules

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Employees and students shall be subject to disciplinary action, up to and including termination (employees) and expulsion (students) for violating this policy and acceptable use rules and regulations established by the school or District.

## Responsibility for Damages

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students or staff members who deface a District web site or otherwise make unauthorized changes to a web site shall be subject to disciplinary action, up to and including expulsion and termination, as appropriate.

## Responding to Concerns

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

## CURRICULUM AND INSTRUCTION 08.2323 (CONTINUED)

**Access to Electronic Media**

(Acceptable Use Policy)

## Audit of Use

Users with network access shall not utilize District resources to establish electronic mail accounts through third- party providers or any other nonstandard electronic mail system.

The Superintendent/designee shall establish a process to determine whether the District’s education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that meets requirements of Kentucky Administrative Regulations and that blocks or filters internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors
2. Maintaining and securing a usage log
3. Monitoring online activities of minors

**REFERENCES:** KRS 156.675; KRS 365.732; KRS 365.734; 701 KAR 5:120; 16 KAR 1:020; 16 KAR 1:020 (Code of Ethics); 47 U.S.C.

254/Children’s Internet Protection Act; 45 C.F.R. 54.520 Kentucky Technology System (KETS); 47 D.F.R. 54.516

**RELATED POLICIES:** 03.13214/03.23214; 03.1325/03.2325; 03.17/03.27; 08.1353; 08.2322; 09.14; 09.421; 09.422; 09.425; 09.426; 09.4261; 10.5

**ACCESS TO ELECTRONIC MEDIA 08.2323 AP.1**

## Electronic Mail/Internet

The District offers students, staff, and members of the community access to the District’s computer network for electronic mail and Internet. Because access to the Internet may expose users to items that are illegal, defamatory, inaccurate, or offensive, we require all students under the age of eighteen (18) to submit a completed Parent Permission/User Agreement Form to the Principal/designee prior to access/use. All other users will be required to complete and submit a User Agreement Form.

Except in cases involving students who are at least eighteen (18) years of age and have no legal guardian, parents/guardians may request that the school/District:

* + Provide access so that the parent may examine the contents of their child(ren)’s email files;
	+ Terminate their child(ren)’s individual email account and/or Internet access; and
	+ Provide alternative activities for their child(ren) that do not require Internet access. In addition, parents wanting to challenge information accessed via the District’s technology resources should refer to Policy 08.2322/Review of Instructional Materials and any related procedures.

**GENERAL STANDARDS FOR USERS**

Standards for users shall be included in the District’s handbooks or other documents, which shall include specific guidelines for student, staff, and community member access to and use of electronic resources. Access is a privilege—not a right. Users are responsible for good behavior on school computer networks. Independent access to network service is given to individuals who agree to act in a responsible manner. Users are required to comply with District standards and to honor the access/usage agreements they have signed. Beyond clarification of user standards, the District is not responsible for restricting, monitoring, or controlling the communications of individuals utilizing the network independently. The network is provided for users to conduct research and to communicate with others. Within reason, freedom of speech and access to information will be honored. During school hours, teachers of younger children will guide their students to appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with information sources such as television, telephones, movies, radio, and other media that may carry/broadcast information.

## No Privacy Guarantee

The Superintendent/designee has the right to access information stored in any user directory, on the current user screen, or in electronic mail. S/he may review files and communications to maintain system integrity and insure that individuals are using the system responsibly. Users should not expect files stored on District servers or through District provided or sponsored technology services to be private.

**ACCESS TO ELECTRONIC MEDIA 08.2323 AP.1 (CONTINUED)**

## Rules and Regulations

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

1. Violating State and Federal legal requirements addressing student and employee rights to privacy, including **unauthorized disclosure, use and dissemination of personal information**.
2. Sending or displaying offensive messages or pictures, including those that involve:
	* Profanity or obscenity; or
	* Harassing or intimidating communications.
3. Damaging computer systems, computer networks, or school/District websites.
4. Violating copyright laws, including illegal copying of commercial software and/or other protected material.
5. Using another user’s password, “hacking” or gaining unauthorized access to computers or computer systems, or attempting to gain such unauthorized access.
6. Trespassing in another user’s folder, work or files.
7. Intentionally wasting limited resources, including downloading of freeware or shareware programs.
8. Using the network for commercial purposes, financial gain or any illegal activity.
9. Using technology resources to bully, threaten or attack a staff member or student or to access and/or set up unauthorized blogs and online journals, including, but not limited to MySpace.com, Facebook.com, or Xanga.com.

Additional rules and regulations may be found in District handbooks and/or other documents. Violations of these rules and regulations may result in loss of access/usage as well as other disciplinary or legal action.

**7**

**TEACHER AND STUDENT OWNED COMPUTING DEVICES 08.2323 AP.11**

Somerset Independent Schools appreciates that employees or students are willing to bring personally owned devices to school. Any employee or student wishing to do so must adhere to the following agreement. This agreement includes the use of personally owned computing device that would connect to the Somerset Independent network in any manner.

A student or staff member who brings a privately owned computing device to school is personally responsible for the equipment, the security of the equipment, and all maintenance and repair. Any damage to the equipment is the responsibility of the individual. District support staff will not service, repair, or give telephone support to any equipment not belonging to the District. No internal components belonging to the District shall be placed in any personal equipment, whether as enhancements, upgrades or replacements. All equipment is subject to the guidelines of the Acceptable Use Policy (08.2323). Somerset Independent does not guarantee the privacy or security of any item stored on or transmitted by any privately owned computing devices.

Software residing on privately owned computing devices must be personally owned. Antivirus software must be

installed when required to maintain virus protection on the District’s network. No software on a personal device will be supported by district resources. Software must be legally licensed to the student or staff member. If such software interferes with District approved software or hardware, a technician may remove it from the computing device or remove/ban the device from use within the Somerset network.

A privately owned computing device may be connected to the District’s network, including access to the Internet, under the following conditions:

* + Use of the computing device must adhere to the Somerset Independent Schools Acceptable Use Policy.
	+ The individual must supply all necessary hardware/software and cabling to connect to the network.
	+ When necessary, privately owned computing devices must be running virus detection software prior to accessing the network or Internet.
	+ A student or staff member who brings their privately owned computing device to school is personally responsible for the equipment as well as all security, maintenance and repair.

**TEACHER AND STUDENT OWNED COMPUTING DEVICES 08.2323 AP.11 (CONTINUED)**

As it relates to privately owned computing devices being used in District owned facilities, the Somerset Independent School system reserves the right to:

* + Monitor all activity.
	+ Make determinations on whether specific uses of the computing device are consistent with the District’s Acceptable Use Policy.
	+ Log network use and monitor storage disk space utilized by such users.
	+ Deem what is appropriate.
	+ Install any additional management software or apply any permission/security policies to the equipment.
	+ Remove the user’s access to the network and suspend the right to use the privately owned computing device in District facilities at any time if it is determined that the user is engaged in unauthorized activity, violating the Acceptable Use Policy, or violating the terms of this agreement.

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**CONFIRMATION OF RECEIPT OF CODE**

## Please sign and send back to your child’s homeroom teacher by August 24, 2022.

**I have received a copy of the “Code of Acceptable Behavior and Discipline”. I have read the code and agree to abide by its content.**

**I acknowledge that I have received and reviewed the portion of this code that explains Somerset Independent School System’s Grievance Procedures; notification of rights under FERPA, HIPPA, and PPRA; and the Bullying/Hazing Policy and Reporting Guidelines.**

**Parent Date**

**Student Date**

**Date Form Received by School**