

MARTIN COUNTY SCHOOLS

2019-2021

CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

*“We lead with passion,
empower with promise
and equip for excellence”*

Martin County Board of Education
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INTRODUCTION

The Martin County Board of Education requires high standards of personal conduct from each student to promote respect for the rights of others and to accomplish the purposes of the schools. The Board requires compliance with established standards and rules of the district and the laws of the community, state and nation.

The central purpose of the school system is to educate each student to his or her highest level possible. To support the success of the educational program, the Board directs employees to hold each student accountable to the standards of this Code of Acceptable Behavior and Discipline (Code) in a fair manner. Compliance with these standards is necessary to provide:

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

This Code applies to **all** students enrolled in Martin County Schools while in school, anywhere on the school campus, on their way to or from school, while on the bus or other school district vehicle, and while participating in or attending school-sponsored trips and activities. The Superintendent/designee is responsible for its implementation and application throughout the Martin County Schools. The Building Principal is responsible for administration and implementation of this Code within his/her school or at events sponsored by his/her school in a uniform and fair manner without partiality or discrimination. Teachers and other instructional personnel are responsible for administering this Code in the classroom, halls, and any other assigned locations. In this regard, the Board pledges its full support to all school employees responsible for implementing this Code. Students are encouraged to report code violations to a classroom teacher who will address the violation, if appropriate under the code, or refer the violation to an administrator for further action when the offense may warrant suspension or expulsion, when it involves a violation of law or is a reportable offense. No employee or student shall retaliate against a student because he or she reports a violation of the code or assists or participates in any investigation, proceeding, or hearing regarding the violation.

Every student, parent, and school staff member receives a copy of this Code and instructions on how to use it. Staff may use reasonable judgment on how to apply the Code, but the Code will be enforced equitably.

This Code was developed by parents, teachers, administrators and community members and adopted by the Martin County Board of Education. **It establishes minimum behavior standards. Recognizing that each school, grade or class may require special provisions, school councils, administrators and teachers have full authority to make rules to enforce these standards in keeping with their areas of responsibility. Caution: this Code may be updated during the school year due to changes in the law, after it has been distributed.**

The Code will be included in all student handbooks or made available to parents and students upon enrollment for each school year. It will be reviewed and updated at least every 2 years.

STATEMENT OF NONDISCRIMINATION

The Martin County Board of Education does not discriminate on the basis of age, color, disability, parental status, marital status, race, national origin, religion, sex, or veteran status in the programs, activities and services it provides, as required by law. Individuals who have questions concerning compliance with this requirement should contact Mr. Larry James, Superintendent at the Board of Education's Central Office and/or reference the following documents.

- Other Board of Education policies SBDM Council policies
- The District's Safety Plan School handbooks
- Student records information (FERPA)
- The District's special education policy and procedures manual
- Kentucky Revised Statutes and Administrative Regulations

*This code is part of the Board's policy on student behavior and discipline. **CAUTION:** After this code is distributed, changes to Board policy, including those affecting provisions of this Code, may be necessary due to new/revised statutes and regulations and case law.*

A complete copy of the policy manual is available for inspection at each school and at the Central Office.

DISTRICT BELIEFS

- Providing challenging educational opportunities in a safe environment is the District's top priority.
- The Board and the schools will make program decisions on the basis of student needs.
- School success results in future success.
- Schools are responsible for creating an environment in which learners can and do succeed.
- The District will not tolerate incompetent performance, mediocre effort or harmful behavior by students or staff.
- Students, families, educators, and the community share the responsibility for student success and for providing safe schools to facilitate academic achievement.
- Teachers/school officials should involve parents at the earliest stage when a student shows signs of serious behavior problems.

RIGHTS AND RESPONSIBILITIES

As citizens of the United States of America, students may participate in activities that do not (1) materially or substantially disrupt the education process, (2) present a clear and present danger to the health and safety of others or property, or (3) infringe on the rights of others.

Specifically, students have the right to:

- An orderly educational atmosphere conducive to learning.
- Personal safety and security while at school and school-sponsored activities.
- Academic grades based on academic performance, not on conduct.

Students have the responsibility to:

- Comply with district, school and classroom rules and follow directions given by teachers and other school personnel.
- Immediately* report student threats to harm others to a teacher, counselor or school administrator.
- Give their best effort to tasks assigned by their teacher, coach or other person who works with them.

REQUIRED STANDARDS

The Board expects employees, students, parents/ guardians and others associated with the schools to apply the following standards in a reasonable and fair manner:

To promote the full implementation of conduct standards and maximize safety in the school environment, the Board requires **all employees to make supervision of all students at all school activities** a top priority among their assigned duties. The younger the child, the greater the need for adult guidance and protection.

A **professionally planned and positive school atmosphere** is necessary for academic progress and a safe environment. Therefore, students shall not interfere with the orderly environment of the school or school activity. Examples of prohibited behavior include, but are not limited to:

- Actions such as harassment of, or discrimination against, other students on the basis of race, color, national origin, age, religion, marital status, political beliefs, sex or disability.
- Insubordination (disobedient or defiant behavior)
- Sale of items without prior approval of the Superintendent or Principal.
- Wearing apparel, accessories or hairstyles that disrupt the educational process or threaten health or safety.
- Possession of prohibited items, such as cell phones, laser lights and paging devices (except for members of a volunteer fire fighting or emergency medical organization).

Regular and punctual school attendance is both a privilege and a responsibility of the student. Good attendance is necessary to satisfactory progress and high academic achievement. Examples of attendance violations include, but are not limited to:

- Absence from school without valid excuse
- Tardy without valid excuse

Students shall exercise self-control as required by the particular situation and in keeping with school and district rules, or be subject to removal from the regular classroom setting or transportation system. In addition, a student may be barred from participating in extracurricular activities, pending investigation that s/he has violated either the District's behavior standards or the school council's criteria for participation.

Examples of prohibited behaviors include, but are not limited to:

- Fighting and physical attacks
- Possession of a weapon
- Threats by verbal or written statements or gestures with intent to harm or demean others
- Use of alcohol or prohibited drugs
- Use of prohibited tobacco products

School property belongs to the community and the state. It must be protected and preserved for educational and community use. Therefore, students shall respect school property and the property of others. Examples of prohibited behaviors include, but are not limited to:

- Theft of school property or personal property of employees or other students
- Abuse of school or personal property to include intentional or careless damage or destruction
- Extortion of money or property
- Prohibited use of electronic media, other District technological resources and pagers
- Littering

Students shall work cooperatively and productively with each other and with school personnel in a manner that is consistent with standards of respect and courtesy. Examples of prohibited behaviors that would detract from a safe and orderly learning environment include, but are not limited to:

- | | |
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| ● Making abusive and harassing statements regarding race, gender, disability, religion or nationality | |
| ● Ignoring or breaking rules and procedures established to maintain order | |
| ● Use of lewd, profane or vulgar language | ● Cheating |
| ● Lying | ● Hazing |
| ● Other threatening behavior | ● Menacing |
| ● Verbal or physical abuse of others | ● Taunting |
| ● Otherwise behaving in a manner disrespectful of others | ● Bullying |

The Board has included samples of prohibited behaviors to help the reader understand how the behavior standard will be enforced. Other behaviors not included in the examples may also be prohibited. These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process. However, students who violate this policy shall be subject to appropriate disciplinary action.

STOP BULLYING BEHAVIORS!

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 the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the right 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:

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

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

Because we believe every student deserves a safe learning environment, the Martin County School District is committed to dealing with bullying behaviors in our schools. To help the student who is the target of bullying behaviors:

1. We strive to identify the student who is using bullying behaviors and administer consequences for bullying behavior and help our students learn new ways of relating to others.
2. Students wishing to report a bullying/hazing incident can do so by telling his/her classroom teacher who will then report the incident to the principal/designee.
3. Employees and other students shall not retaliate against a student because s/he reports a violation of the code or assists or participates in any investigation, proceeding or hearing regarding the violation.

What do bullying behaviors look like

- Inappropriate physical contact, including hitting, kicking, shoving, pushing
 - Intimidating and threatening comments either oral, written or electronically
 - Name calling or put-downs
 - Malicious manipulation of others to do things they don't want to do
- *Setting someone up to be bullied
 - *Excluding from the group
 - *Spreading rumors or hurtful gossip
 - *Stalking
 - *Hurtful teasing or making fun of someone
 - *Hiding or destroying someone's belongings
 - *Harassment

HARASSMENT — A person is guilty of harassment when with intent to intimidate, harass, annoy, or alarm another person. Harassment could be identified by one or any of the following:

1. Strikes, shoves, kicks, or otherwise subjects him to physical contact; or
2. Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or
3. In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or
4. Follows a person in or about a public place or places; or
5. Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or
6. Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event.
 - a. Damages or commits a theft of the property of another student;
 - b. Substantially disrupts the operation of the school; or
 - c. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.
7. Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; or
8. Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or
9. Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication. Harassing communications is a Class B misdemeanor.

BULLYING PREVENTION TIPS

What are some things you can do to help stop bullying?

- Don't join the person who is doing the bullying behavior
- Stop the rumor or gossip that is being told to you

- Be unwilling to listen to put-downs about others
- Be a respectful person and role model
- Be an encourager of positive solutions

The Principal shall file a written report with the local school board and the local law enforcement agency of the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report of the bullying incident. Offences required by KRS Chapter 508 to be reported are:

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| - First Degree Assault | - Second Degree Terroristic Threatening |
| - Second Degree Assault | - First Degree Criminal Abuse |
| - Third Degree Assault | - Second Degree Criminal Abuse |
| - Assault Under Extreme Emotional Disturbance | - First Degree Stalking |
| - First Degree Wanton Endangerment | - Disarming a Police Officer |
| - First Degree Terroristic Threatening | |

DEFINITION FOR SOME RESPONSE OPTIONS

1. **Detention** is a period of strictly supervised study and may occur before the beginning of the scheduled school day or after the dismissal of regularly scheduled classes.
2. **Alternative Placement** is temporary removal from regular classroom to another location in the school district or school building to perform required academic responsibilities assigned.
3. **Suspension** shall mean the removal of a student from the school program by authority of the principal or the assistant principal (KRS 158.150).
4. **Expulsion** shall mean disciplinary action whereby a student is removed for up to 45 days or the balance of the semester and/or school year. Any recommendation for expulsion will be conducted in accordance with KRS 158.150 and the person with legal custody or control of the student will be given an opportunity to have a hearing before the local board, regardless of the time remaining in the school year (KRS 158.150).
5. **Due Process** is basically a procedural concept designed to protect individuals from the capriciousness of the governing power.

Behavioral violations of a minor nature should be handled by the classroom teacher, who may choose from a variety of response options to include, but not be limited to:

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| **Verbal warning | **Classroom isolation | **Loss of privileges |
| **Teacher-student conference | **Behavior contract | **Detention |
| **Notification of parents | **Referral for counseling/mediation | |
| **Alternative assignment | **Other techniques established by council policy | |

(Writing assignments are not an approved response option for behavioral violations)

For repeated or more serious violations, administrators may also use these options:

- | | | |
|------------------------------|---------------------------------------|----------------------|
| **Suspension (up to 10 days) | **Expulsion | **Referral to police |
| **Petition to Juvenile Court | **Referral to court-designated worker | |

CONSEQUENCES OF VIOLATIONS

NOTE: State and federal law requires special consideration and possible designation of alternative consequences when dealing with behavior and disciplinary issues involving students with disabilities.

LEVEL I

LEVEL I offense is minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with orderly operation of school activities. These misbehaviors can usually be handled by an individual staff member but sometimes require the intervention of other support personnel. **The examples provided refer to minor offenses only and may be considered a higher level of offense, depending on the severity.**

EXAMPLES

- Disruption of class
- Excessive tardiness
- Academic cheating
- Failure to complete assignments
- Misbehaving on school bus
- Gambling
- Bus Discipline

DISCIPLINARY RESPONSE PROCEDURES

There is immediate intervention by the staff member who is supervising the student or who observes the misbehavior. The misbehavior may require a parent/teacher conference; conference with the counselor and/or administrator.

LEVEL II

LEVEL II offense is misbehavior whose frequency or seriousness tends to disrupt class, the learning climate of the school. These are infractions which **may** result from the continuation of **Level I offenses and require the intervention of personnel on the administrative level. Also included in this level are misbehaviors which usually do not represent a direct threat to the health and safety of others but whose consequences are serious enough to require corrective action on the part of administrative personnel.**

CONSEQUENCES OF VIOLATIONS (Continued)

DISCIPLINARY RESPONSE PROCEDURES

The student is referred to the administrator for appropriate disciplinary action. The administrator meets with the student and/or teacher and effects the appropriate response. **The student and teacher are informed of administrator's decision and the disciplinary action is maintained by the administrator.**

A parental conference may be conducted.

LEVEL III

Level III offenses are acts directed against persons or property but whose consequences may not seriously endanger the health or safety of others in the school. These acts might be considered **criminal** or detrimental to the school environment but can usually be handled by the school disciplinary procedures.

DISCIPLINARY RESPONSE PROCEDURES

The administrator initiates disciplinary action by investigating the infraction and conferring with staff on the extent of the consequences. The administrator meets with the student and confers with the parent (when possible), about the student's misconduct and the resulting disciplinary action.

A proper and accurate record of offenses and disciplinary actions is maintained by the administrator. A complete and accurate report is submitted to the superintendent for board action when there is a need to do so.

DISCIPLINARY OPTIONS

Verbal Reprimand, Denial of Privileges, Counseling, Special Assignments other than Homework, Detention, Temporary removal from class, ACR assignment, Other action as deemed appropriate

EXAMPLES

Repeated violations of Level I offenses, Verbal abuse of another student, Skipping class, Horseplay, Harassment, Forgery, Loitering, Excessive tardiness, Misbehavior on school bus

DISCIPLINARY OPTIONS

Options listed in Level I, Parent Teacher Conference, Transfer of class, Alternative Classroom, Other assignments, Suspension, Counseling, Other actions as deemed appropriate

EXAMPLES

Repeated violations of Level I or Level II misbehaviors, Use of profane language, Unexcused absences, Fighting, Theft, Vandalism, Leaving school grounds without permission, Improper use of personal communication devices, Abuse of school personnel, Possession or use of fireworks, Possession of obscene materials, Misrepresentation of facts, Threatening of others, Verbally, by written message or electronically (Cyber Bullying), Physical attack on another student, Inciting student disorder, Misbehaving on bus, Inappropriate use of technology, possession or use of tobacco or vaping devices.

DISCIPLINARY OPTIONS

Options offered in Level I and Level II, Referral to outside agencies, Suspension, Counseling, Expulsion, Referral to Alternative School, Other actions deemed appropriate

LEVEL IV

Level IV acts are those which result in violence to another person or property or which pose a direct threat to the safety of others in the school. These acts are clearly criminal and are so serious that they always require administrative actions which result in the immediate removal of the student from school, and may involve the intervention of law enforcement authorities and/or action by the board of education. This level includes misbehavior which severely violates school policies but may not be of a violent nature.

DISCIPLINARY RESPONSE PROCEDURES

The administrator verifies the offense, confers with the staff involved, and meets with the student.

The student is immediately removed from the school environment and parents are notified.

School officials may contact law enforcement agency and assist prosecuting offender.

A complete and accurate report is submitted to the superintendent for board action.

Student is offered a hearing before board if necessary

EXAMPLES

Repeated violations of Level I, II, or III misbehaviors.

Terroristic threatening of school personnel, Arson, Possession or use of firearms or other weapons, Trespassing, Physical abuse of school personnel, Persistent bad conduct, Commission of sexual acts, Defiance and disobedience of KRS 158.150 (Section 1, subsection a and b), Bomb threats, Unsanctioned or secret societies, (Trafficking, possession, use, or under influence of drugs or alcohol or controlled substance), Activation of fire alarm, Unauthorized use of tobacco products, Indecent exposure, Wanton endangerment, Terroristic threatening, Severe misbehavior on bus, Inappropriate use of technology.

DISCIPLINARY OPTIONS

Options offered in Level I, II, and III

Suspension and/or Expulsion

Alternative placement

Other legal actions by the local district which result in appropriate placement and as necessary in accordance with KRS 158.150.

SOME EXAMPLES OF CONDUCT WORTHY OF DISCIPLINE

LEVEL I

- 1-1. Disruption of Class is an intentional act, behavior, or conduct in the classroom or in the school building or upon school grounds, which disrupts the educational process.
- 1-2. Excessive tardiness is repeated failure to report without acceptable excuse to assigned classrooms or other instructional areas on a timely basis. Three instances of such behavior is considered excessive.
- 1-3. Academic cheating is the use of unauthorized notes or other aids, or the copying or using of the work of other students without prior permission of the teacher when such use or copying relates to required school work.
- 1-4. Failure to complete assignments is the failure to turn in assignments, or failure to do required assignments within the time specified.
- 1-5. Gambling is the act of wagering, betting, or taking risks for gain, either monetarily or otherwise. Examples include, but are not limited to playing cards, throwing dice, or other like games.
- 1-6. Bus discipline is situations arising within the bus that may detract from the safety of students and driver (KRS 158.110-4).

LEVEL II

- 2-1. Verbal abuse of another student is an intentional willful maligning or gross insult of another student (KRS 158.150).
- 2-2. Skipping class is the failure of a student to report to a scheduled class without first obtaining consent of the proper school authority.
- 2-3. Horseplay is boisterous play which has the potential of leading to serious harm or injury of another person.
- 2-4. Forgery is the act of falsely using the name of another person, or falsifying documents or correspondence, such as absences/excuses.

- 2-5. Loitering is being on school premises without permission of school personnel. This could include students who are suspended, expelled, or on shortened programs.
- 2-6. Tobacco possession or use on school property (KRS 438.311).

LEVEL III

- 3-1. Use of profane language is the use of any language, act or expression, or remark which is offensive to modesty or decency.
- 3-2. Unexcused absence is any unauthorized absence from class or school.
- 3-3. Leaving school ground without permission is the leaving of school grounds, during the designated school day, without first obtaining permission of the principal or the assistant principal.
- 3-4. Physical attack on another student is the intentional striking or touching of another student or attempting to do so against his or her will (not to be confused with "fighting") (KRS 158.150).
- 3-5. Defiance of authority is any verbal or non-verbal refusal to comply with lawful directive or order of a school employee (KRS 158.150 subsection 1).
- 3-6. Fighting is any physical conflict between two or more students arising from anger or passion.
- 3-7. Vandalism is the willful or malicious destruction or defacement of any property. Vandalism includes, but is not limited to breaking windows, writing on walls, destroying restroom fixtures, or use of paint or like materials to deface any portion of the interior or exterior of school property (KRS 158.150 subsection 1).
- 3-8. Theft is the unlawful taking or disposition of property of another with intent to deprive him of the property. Receiving stolen property or possession of stolen property is included in this offense (KRS 158.150).
- 3-9. Possession or use of fireworks is the possession or use of any combustible or explosive composition or any substance or combination of substance or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation (KRS 158.150).
- 3-10. Inciting student disorder is the intentional promotion or advocacy of student misconduct by any student for any purpose.
- 3-11. Possession, display or distribution of obscene materials or objects is the possession or circulation of obscene material or objects.
- 3-12. Abuse of school personnel is any act that upbraids, insults, and/or verbally or nonverbal abuses any personnel of the public schools in the presence of the school or in the presence of a pupil of the school (KRS 161.190).
- 3-13. Misrepresentation of facts is the deceiving of school authorities by making untruthful statements. This may also include defamation of character of school personnel and other students.
- 3-14. Use of personal communication devices (including, but not limited to a paging device and cellular telephone) in violation of current Board Policy 09.4261.
- 3-15. Misbehavior on the school bus is behavior or conduct which endangers or has potential to endanger the safety of other students, bus driver, the student committing the act, other occupants of the bus, and/or other persons who are not on the bus.
- 3-16. Inappropriate use of technology may be but is not limited to improper or unapproved use, care, or maintenance of equipment.
- 3-17. Bullying, verbally or electronically.

LEVEL IV

- 4-1. Terroristic threatening of school personnel is the intentional unlawful threat by word or act to do violence to the person or property of a school employee or doing of any act which creates a well- founded fear within the school employee (KRS 158.150).
- 4-2. Arson is the intentional damaging of a building by starting a fire therein or causing an explosion therein (KRS 158.150).
- 4-3. Possession or use of firearms is the possession or use of any weapon which will expel a projectile by the action of any explosion (KRS 158.150).
- 4-4. Commission of sexual acts is the commission, or attempt thereof, of any unlawful act of sexual or carnal nature including, but not limited to, sexual intercourse, rape or sodomy of any kind. Indecent exposure of any part of the body is an offense within the meaning of this example.
- 4-5. Trespassing is entering of, or remaining in, any structure, means of conveyance, or property without being authorized, licensed, or invited, refusing to depart therefrom after being warned or directed, to do so, by proper authority. (KRS 158.150)
- 4-6. Physical abuse of school personnel is any physical assault against any employee of the Martin County School Board (KRS 161.190).
- 4-7. Persistent bad conduct is persistent violations of the Martin County Discipline Code or persistent violations of the criminal laws of Kentucky (KRS.150).
- 4-8. Harassment occurs when a person intends to harass, annoy, or alarm another person. This may be through physical contact, threats, utterances, gestures, or abusive language, or engage in other types of annoying contact.

- 4-9. Unauthorized use of tobacco products is the use or possession of tobacco products in violation of KRS 158.150.
- 4-10. Trafficking in, Possession of, or under the influence of Illegal or Controlled substance, to include alcohol is the possession, use, purchasing, selling, providing money for purchasing, handling, or entering school property under influence of a controlled substance and or alcohol.
- 4-11. Possession of weapons is the possession or use of any object such as a knife, metallic knuckles, gun of any type, bomb, grenade, rocket, missile, mine, chemical weapon, or any device or object or weapon instrument with the intent to be armed (KRS 158.150).
- 4-12. Activation of a fire alarm is the intentional or unjustified activation of fire alarm or like warning devices (KRS 158.150).
- 4-13. Wanton endangerment occurs when a person wantonly engages in conduct which creates a substantial danger of physical injury to another person (KRS 158.150).
- 4-14. Bomb threats and other threats of harm against schools, school buses, school employees, or school functions are now felonies.

SEARCH AND SEIZURE

Students have the right to be secure from unreasonable searches of their person and property. However, school authorities are authorized to search a student if they have reasonable suspicion that the search will reveal evidence that the student has violated or is violating this Code or a school rule or the law. Also, school authorities may conduct general inspections of jointly held property on a regular basis. All searches will be conducted in accordance with Board policy.

Students cannot expect to have complete privacy in their use of school property assigned for their use, such as desks and lockers.

PHYSICAL RESTRAINT/CORPORAL PUNISHMENT

Employees are authorized by law to physically restrain students as necessary for the following reasons: to protect themselves, students, or others from physical injury; to get possession of a weapon or other dangerous object; or to protect property from serious harm.

Corporal punishment is regulated by SBDM Council policy (as per KRS 160.345).

STUDENT RECORDS

Records containing student information shall be made available to the parent of the student, guardian, or eligible student on written request. Eligible students include those 18 years of age or older or those enrolled in a post-secondary school program.

For information concerning access or corrections to student records, contact the Principal or the Superintendent at the Central Office address and telephone number listed on the front cover.

REPORTS TO LAW ENFORCEMENT OFFICIALS

When principals have reasonable belief that certain violations have taken place, they are required by law to immediately report them to law enforcement officials. Violations on school property or at a school-sponsored function requiring a report to law enforcement officials include:

- assault resulting in serious physical injury
- a sexual offense;
- terroristic threatening (bomb threats or other threats of harm against schools, school buses, school employees, or school functions)
- 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 school property ("school property" means any public-school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal).

In addition to violations of this Code, students may also be charged with criminal violations.

WEAPONS

Students are *never* allowed to bring a weapon to school. The Board urges parents and other citizens to make sure that students do not have inappropriate access to weapons.

Both Board policy and the law prohibit the carrying, bringing, using, or possessing of any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle or at any school-sponsored activity. Except for authorized law enforcement officials, the Board specifically prohibits the carrying of concealed weapons on school property.

When a student violates the prohibition on weapons, the Principal shall immediately make a report to the Superintendent, who shall determine if charges for expulsion are to be brought before the Board. Unless the Board chooses to consider charges on a case-by-case basis, the penalty for students bringing a **(1)** firearm or other deadly weapon,* **(2)** destructive device, or **(3)** 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**. (The Gun-Free Schools Act of 1994 and KRS 158.150)

District employees must also report to law enforcement officials if they know or have reasonable cause to believe that conduct has occurred that constitutes the carrying, possession, or use of a deadly weapon on the school premises, on a school bus, or at a school sponsored or sanctioned event.

* A deadly weapon means “any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged”; any “knife other than an ordinary pocket knife or hunting knife”; “Billy stick, nightstick or club; blackjack or slapjack, nunchaku karate sticks; shuriken or death star or artificial knuckles made from metal, plastic, or other similar hard material. **KRS 500.080**

SUSPENSION, EXPULSION & DUE PROCESS

For certain violations, administrators, such as the Superintendent and Principal, may remove (suspend) a student from school for up to ten (10) days per incident.

Unless immediate suspension is necessary to protect persons or property or to avoid disruption of the educational process, students shall not be suspended until they have been given due process (required by law). Due process must be given before educational benefits are taken away and shall include:

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

A report of the suspension shall be made in writing to the Superintendent and to the parent of the student being suspended.

Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others.

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

BUS DISCIPLINE

Disciplinary procedures involving acceptable student behavior while riding a school bus must follow board approved policy, rules and regulations. Bus drivers are responsible for following board approved policy, rules and regulations; in addition, bus drivers are under the direct supervision of building principals. The following documents must be adhered to: **(1)** Rules and Regulations for Students Riding School Buses (Yellow—Student/Parent Transportation Agreement), **(2)** Rules and Regulations for Students Riding School Buses (Blue-Parent Copy) and **(3)** Martin County School Bus Incident Report.

ABSENCES AND EXCUSES

It is the goal of Martin County Schools to help students develop skills, habits and knowledge necessary to be responsible citizens and productive, life-long learners. Most of our students will find themselves in a work environment where regular attendance, punctuality and responsible behavior are required. It is the function of the schools to prepare students for their environment by fostering these habits. Attendance at school is also necessary for academic success. Therefore, students are expected to attend school daily and be on time for all classes and other school functions.

A. Kentucky Compulsory Attendance Law

Parent or custodian to send child to school-Age limits for compulsory attendance

Except as provided in KRS 159.030, each parent, guardian, or other person residing in the state and having in custody or charge any child between the ages of six (6) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the District in which the child resides is in session, or the public school that the Board of Education of the District makes provision for the child to attend. Any parent or guardian who elects to send a child five (5) years of age to school shall keep the child in regular attendance. Every child who is a resident in this state is subject to the laws relating to compulsory attendance. Neither she/he nor the person in charge of him/her shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonal or the his/her parent is a resident in another state.

The residence of the child's parent or guardian will be the governing factor of school attendance.

B. What Constitutes Truancy

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 tardy on three (3) days, is a truant. Unexcused absences do not have to be consecutive to be counted to truancy.

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

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

Upon returning to school following an absence or tardy, a student has five (5) school days to turn in a note to the attendance officer. The note must be a signed and dated parent note, physician statement or court statement explaining the reason for every day the student was absent or tardy and a return to school date. If a written statement verifying a valid reason for each day of absence or tardy is not received within five (5) school days after the student returns to school, the absence or tardy will be recorded as unexcused. Students presenting false or altered verification shall be subject to disciplinary action.

C. Attendance (Truancy) Referral Procedures

1. Send 3-day letter after student accumulates at least 3 unexcused absences.
2. On or after the 6th unexcused absence a 6-day letter should be sent and counted as the second notice. Phone calls made and documented. If possible, a home visit should be made and documented.
3. Sent final notice/attendance contract after 7 unexcused absences.
4. On or after 8 unexcused absences refer student to DPP as a truant and proceed with court action (6th through 11th grades only).
 - a. Allow 5 school days for students to bring in excuses before starting the referral process
 - b. K-5 students: Must have parent meeting or a home visit and same letter and call documentation used for 6-11 before filing education neglect or unlawful transaction of a minor.

D. Excused Absences (requires written permission)

Parent/guardian note (not to exceed four (4) per year)
Driver's License test or examination (1/2 day-two times)
Illness (medical excuse)
Driver's License test or examination (1/2 day-two times)
Death in immediate family
Medical appointment of student

Prearranged absence

One (1) day prior to departure of parent/guardian called to active military duty

One (1) day upon the return of parent/guardian from active military duty

One (1) day for State Fair attendance

TELECOMMUNICATION DEVICES

Possession and Use

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as defined by law¹ and other related electronic devices, provided they observe the following conditions:

1. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, use that:
 - a. Poses a threat to academic integrity, such as cheating,
 - b. Violates confidentiality or privacy rights of another individual,
 - c. Is profane, indecent, or obscene,
 - d. Constitutes or promotes illegal activity or activity in violation of school rules, or
 - e. Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.

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

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

DRIVER'S LICENSE REVOCATION

Students who are sixteen (16) or seventeen (17) years old who becomes 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 (4) courses, or the equivalent of four (4) courses, taken in the preceding semester.
2. They shall be deemed deficient in attendance when they drop out of school or 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.

GRIEVANCES

Students and parents wishing to express an educational concern or grievance shall observe the following order of appeal:

- Teacher;
- Principal;
- School council, where appropriate;
- Superintendent;
- Board.

Information on filing a formal complaint or grievance is available at each school and at the Central Office.

CODE DEVELOPMENT

This Code was developed by a committee representing schools, the Central Office, the Board of Education, students, parents, and the community. The committee met on May 3, 2011 at 10:00 a.m. at Board of Education Office and recommended this revised code to the Martin County Board of Education for its approval and adoption. The Attorney for the Board of Education has reviewed this code, and the Board of Education adopted the code at its June 14, 2011 board meeting.

Schools will distribute copies of the Code to all students and employees of the district and to parents of students, including those who enroll after the beginning of the school year. The Superintendent has directed that the Code be posted in each school, with the Principal being responsible for seeing that guidance counselors and other personnel discuss its contents with students in a timely and age-appropriate manner. In addition, each school will reference the Code in the school's handbook(s). On request, the Principal shall provide help for non-English speaking, blind, deaf, or non-reading students and parents so that they can have access to the information contained in this Code.

Every 2 years, the Code Committee will review the Code. It welcomes suggestions as to how to improve this document. Individuals may send written comments to the contact person listed on the front cover, who will forward them to the Code Committee. Information should be submitted by February 1, 2013.

OTHER COMMUNITY RESOURCES

Mountain Comprehensive Care Center (mental health issues) 24 Hour Help Line	298-7902 1-800-422-1060
Big Sandy Family Abuse Center (abuse/violence)	886-6025
Mountain Regional Prevention Center (drug abuse)	886-6883
Kentucky Cabinet For Health Services Commission For Children With Special Health Care Needs	1-800-232-1160
Kentucky Cabinet For Families & Children Dept. for Social Services (child abuse/neglect/domestic violence)	298-7633
Martin Co. Health Department (medical services)	298-7752
Emergency Management Office	298-2088

CONFIRMATION OF RECEIPT OF CODE

(Please sign and send back to the student's homeroom teacher.)

I have received a copy of the Code of Acceptable Behavior and Discipline for the 2011-
2013 school year

I have read the code and agree to abide by its content.

_____ Parent _____ Date

_____ Student _____ Date

Date Form Received by School

Board Members

James Clark
Steven Gauze
Roger Harless
Mickey McCoy
Kathleen Price

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