

FLEMING COUNTY SCHOOLS

DISCIPLINE CODE & ATTENDANCE POLICY



**Where Kids Are First...
And learning never ends!**

2011-2012

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MISSION STATEMENT

The mission of Fleming County Schools is to unite with family and community to provide an equitable, high quality education that meets the needs of each student in a caring and safe learning environment, which will ensure that students become successful throughout life.

Fleming County Schools . . . where kids are first and learning never ends!

SCHOOL DISCIPLINE CODE

2011-2012

The 1984 General Assembly directed the Department of Education to develop statewide student discipline guidelines and recommendations designed to reduce the dropout rate in the state's public schools. As a part of KRS 158.148 the Fleming County Board of Education has approved the following Discipline code for **2011-2012**. The code was written by a committee composed of principals, teachers, parents, students, and central office personnel. It was adopted by the local board and approved by the state board of education. Each area of student discipline was carefully considered and guidelines established for positive enactment.

It is the responsibility of the school system to make this information public. It is the responsibility of the parents and students to be familiar with the rules so that all consequences are understood.

The code will be reviewed at least annually by a discipline code committee and revisions will be made as deemed necessary. This code was reviewed on June 1 2011.

SECTION I: RIGHTS AND RESPONSIBILITIES

A. STUDENTS

1) **STUDENTS HAVE THE RIGHT TO:**

- a) A system of public education which meets the needs of individual students.
- b) Reasonable and timely notice of all rules, regulations, policies, and penalties to which students may be subject.
- c) Physical safety and protection of their personal property.
- d) Consultation with teachers, counselors, administrators, and other school personnel.
- e) Free election of their peers in student organizations in which students have the right to seek and hold offices.
- f) Involvement in school activities without being subject to discrimination on the basis of race, sex, or religion.
- g) Respect from other students and school personnel.
- h) Present complaints or grievances to school authorities and receive replies from school officials regarding such matters.

2) STUDENTS HAVE THE RESPONSIBILITY TO:

- a) Be accountable for their own conduct for showing consideration for rights and property of others.
- b) Exhibit neatness and cleanliness of personal dress and hygiene.
- c) Refrain from fighting, creating disturbances, excessive noise, abusive language, denying others the use of school facilities, using or carrying any weapon on school premises or at school activities, intentionally injuring another person or exposing others to harm, or using threats or intimidation against any other person.
- d) Refrain from using tobacco or using or possessing, or transmitting any alcoholic beverage or illegal or controlled substance.
- e) Refrain from gambling, extortion, theft, or any other unlawful activity.
- f) Show respect for the education process by taking advantage of every opportunity to further his/her education.
- g) Show respect for the education process and learning environment by refraining from intentional or habitual tardiness or unexcused absence.
- h) Care for the equipment and physical facilities of the school by refraining from willful destruction and damage.
- i) Follow the rules and regulations of the Board of Education and/or the school administration.
- j) Report any threatening situation to school authorities immediately.

B. PARENTS AND GUARDIANS

1) PARENTS/GUARDIANS HAVE THE RIGHT TO:

- a) Send their child to school in an environment where learning is valued.
- b) Expect that classroom disruption will be dealt with fairly and quickly.
- c) Enroll students in the Fleming County School District where they shall attend classes regularly and promptly with minimal interruptions.
- d) Expect the school to maintain high academic standards.
- e) Review the student's academic progress and other pertinent information which may be contained in the student's personal records.
- f) Address a question concerning their child to the proper authority and to receive a reply in a reasonable time period.

C. TEACHERS

1) TEACHERS HAVE THE RIGHT TO:

- a) The support of co-workers, administrators, and parents.
- b) Work in an educational environment with a minimum of disruptions.
- c) Expect all assignments, including homework, to be completed and turned in as assigned.
- d) Safety from physical harm and freedom from verbal abuse.
- e) Provide input to aid in the formulation of policies that relate to their relationships with students and school personnel.
- f) Take action necessary in emergencies to protect their own person or property or the persons or property of those in their care.

2) TEACHERS HAVE THE RESPONSIBILITY TO:

- a) Present subject matter and experience to students and to inform students and parents or guardians of achievement and/or problems.
- b) Aid in planning a flexible curriculum which meets the needs of all students and which maintains high standards of academic achievement.
- c) Assist in the administration of such discipline as is necessary to maintain order throughout the school without discrimination on any basis.
- d) Evaluate students' assignments and return them as soon as possible.
- e) Exhibit neatness and cleanliness of personal dress and hygiene.
- f) Reward exemplary behavior or work of students.
- g) Maintain an atmosphere conducive to good behavior and to exhibit an attitude of respect for students.
- h) Recommend for retention in a class any student who fails to meet the basic standards of achievement.
- i) Maintain necessary records of students' progress and attendance as accurately as possible.
- j) Follow and enforce rules and regulations of the Board of Education and/or school administration.
- k) Care for the equipment and physical facilities of the school.

D. PRINCIPALS

1) PRINCIPALS HAVE THE RIGHT TO:

- a) The support of students, parents, and teachers in carrying out the educational programs and policies established by the school system.
- b) Provide input for the establishment of procedure and regulations that relate to the school.
- c) Safety from physical harm and verbal abuse.
- d) Take necessary action in emergencies and to protect their own personal property and personal property of those in their care.
- e) Suspend any student whose conduct violates any of the disciplinary rules outlined in this manual.
- f) Administer the school environment to provide the proper learning atmosphere.
- g) Exhibit neatness and cleanliness of personal dress and hygiene.
- h) Reward exemplary behavior or work of students.

- i) Maintain an atmosphere conducive to good behavior and to exhibit an attitude of respect for students.
- j) Recommend for retention in a class any student who fails to meet the basic standards of achievement.
- k) Maintain necessary records of students' progress and attendance as accurately as possible.
- l) Follow and enforce rules and regulations of the Board of Education and/or school administration.
- m) Care for the equipment and physical facilities of the school.

2) PRINCIPALS HAVE THE RESPONSIBILITY TO:

- a) Create and foster an atmosphere of mutual respect and consideration among pupils and staff members.
- b) Administer discipline fairly and equally, following the guidelines set forth herein, but in doing so use his/her best judgment.
- c) Exhibit exemplary behavior in action, dress and speech.
- d) Implement and evaluate all aspects of the educational program to improve learning and comply with the District, State, and Nation.
- e) Direct a program of dissemination of information explaining the Code of Conduct to the school community.

SECTION II: DISCIPLINE

A. RATIONALE AND PHILOSOPHY

The educational achievement of any school system or individual school depends upon a number of factors. Certainly one of the main factors concerns itself with the type of discipline that exists. Discipline, when present, produces an atmosphere in which learning can take place. Lack of discipline disrupts the education of a student and creates an atmosphere in which learning cannot take place.

This section will thus address itself to those who would disrupt the education of, not only themselves, but of others. It will explain and establish all the disciplinary measures available at the discretion of the principal in restoring the PROPER learning atmosphere.

KRS 158.150 states that 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 transportation system pending any further disciplinary action that may occur. Each board of education shall adopt a policy to assure the implementation of this section and to assure the safety of the students and staff.

These measures should not be construed, however, as an attempt to replace or remove classroom discipline from the teacher. Teachers will still have at their disposal disciplinary measures, such as, detention, conferences with students and/or parents/guardians as provided in the Fleming County Schools Policy and Procedures Manual.

A. DISCIPLINARY ACTIONS: Probation, Suspension, or Expulsion

- 1) **PROBATION:** A probation period may be established for students when a school administrator determines either that it would better benefit the student to remain in the classroom than to incur a suspension or after a suspension to establish a level of behavior which will prevent additional problems.
- 2) **SUSPENSION:** Suspension shall mean a denial of attendance at any single subject or class or any full schedule of subjects of classes, or at any other type of activity conducted by or on behalf of Fleming County Schools for the stated period of time. The suspension shall not exceed ten (10) school days.

All suspensions will be unexcused absences. Any work or tests made up as a result of suspension shall be credited at no more than 50 percent of original value. A suspended student will not represent the school or participate in any extra curricular activities sponsored by the school during the time of suspension. Person administering the suspension shall clearly state the exact beginning and ending times of the suspension. Any/all restrictions of school activities during suspension period shall be clarified with student and his/her parents/guardians.

Suspension of primary school students (grades K-3) shall be considered only in exceptional cases where there are safety issues for the child or others. (KRS 158.150) For a suspension of ten (10) days or less, constitutional due process requires the following procedures prior to the suspension:

- Oral or written notice of the charges to the student.
 - An explanation of the evidence if the student denies the charges. The rule broken must be defensible.
 - An opportunity for the student to present his/her own version of the facts relating to the charge.
 - Immediate written notification of the action taken shall be reported to the parent or guardian, and the superintendent.
- 3) **EXPULSION:** Expulsion shall mean a denial of attendance at any single subject or class, any full schedule of subject or classes, a denial of attendance at any other type of activity conducted by or in behalf of the Fleming County Schools, and any combination of the foregoing for a period of time not to exceed the current school year, except when a student has brought a weapon to school. An expulsion may include a denial of admission to or entry upon real or personal property owned, leased, or controlled by Fleming County Board of Education.

KRS 158.150 states that each local board of education shall require the expulsion from school for a period of not less than one (1) year for a student who determined to have brought a weapon to school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of “unlawful possession of a weapon on school property” stated in KRS 527.070.

The board shall also have a policy requiring disciplinary actions, up to and including expulsion, for a student who is determined by the board to have possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board’s jurisdiction, or to have physically assaulted or battered or abused educational personnel or other students at a school or school function. The board may modify the requirements for students on a case-by-case basis.

A board that has expelled a student from the student's regular school setting shall provide or assure that educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student poses a threat to the safety of other students or school staff and cannot be placed into a state-funded agency program. Other intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost.

The Board of Education may expel a student for the duration of the semester or the remainder of the school year. Expulsion is measured on the severity of the offense or for habitual offenders.

B) DISCIPLINARY PROCEDURES:

This section of the *CODE OF CONDUCT* contains the recommended procedures to use in applying disciplinary actions to specific conduct offenses. These procedures are progressive in severity from conferencing with students to expulsion depending upon the circumstances of the offenses, the type of offense, the degree of seriousness of the offense, and the number of times the offense has occurred.

It should be noted that the Fleming County School System recognizes also the necessity of maintaining guidance and counseling services through the school system and outside agencies for assisting students with their behavior or social problems to help remedy inappropriate conduct.

DUE PROCESS:

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

- 1) The student shall be given oral or written notice of the charge(s) against him/her.
- 2) If the student denies the charge(s), he/she shall be given an explanation of the evidence against him/her.
- 3) The student shall be given an opportunity to present his/her own version of the facts concerning the charge(s).

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

References: **P.L. 94-142, 707 KAR 1:051, 70 KAR 1:060

****NOTE:** *Clubs, organizations, and School-Based Councils may have rules, which extend beyond this document that are enforceable by such clubs, schools, and organizations.*

C) DISCIPLINE: The following disciplinary measures may be used at the discretion of the principal when disciplining students. These measures may be used in any order:

1. Conference with the student
2. Deny recess/break/other privileges
3. Conference or personal contact with students and/or parents
4. Appearance before the school's discipline committee
5. Detention—before school, break, or after school
6. Corporal punishment with parent permission
7. In school alternative setting (with instruction)
8. Intervention services through FRYSC centers, counseling, medical, community, etc.
9. Beyond school control petition filing from court designated worker.
10. School community service.
11. Suspension from school
12. Involvement of law officials if warranted
13. Expulsion (Indefinite time requiring action from board of education)
14. Loss of privileges
15. Forfeiture of awards, offices for the current school year (ONLY)
16. Assignment to Alternative Program, grades 6-12
17. Any other measure deemed appropriate by principal/designee at his/her discretion
18. *Prime for Life Under 21 Voluntary Program* for drug or alcohol violations
(See Pages 21-22)
19. Prejudice Reduction Program for prejudicial and/or discriminatory violations.
(See page 20)

D) STUDENT CONDUCT ON SCHOOL BUSES

Students riding the buses are under the direct supervision and direction of the bus driver, who will direct the students in matters of conduct and safety. He/she will report any student's misbehavior to the student's principal in writing.

Any school administrator, teacher, or other school personnel may immediately remove or cause to be removed a threatening or violent student from the transportation system pending any further disciplinary action that may occur.

When a student is reported to the principal for failure to cooperate on the bus, appropriate disciplinary action will be taken by the principal, if after the complaint has been investigated, it is substantiated. All bus drivers shall receive written notification that disciplinary action has been taken. If a student has been suspended from riding the bus, the bus driver must be notified as such. In case of repeated failure to cooperate or serious misbehavior, the student will be excluded from riding any bus for whatever period of time deemed necessary by the principal, in accordance with administrative regulations. The transportation to and from school becomes the responsibility of the parents/guardians. **In the case of a student with an IEP, if that student is absent during a bus suspension that absence(s) will be counted/considered as a suspended day.**

The board requires the parents/guardians of any student who damages or destroys any part of a bus beyond normal usage to reimburse the board for the amount of damage.

Students riding school buses will conduct themselves in a manner that will not endanger the lives of students through distraction of the driver's attention or failure to comply with the driver's instructions. These and similar things are evidence of failure of a student to conduct himself/herself in a proper manner on the bus: fighting; scuffling; loud talking; throwing items into the bus; inside the bus or out of the bus; making remarks to people on the road or street; failure to follow the driver's instructions or share seats; damaging parts of the bus; smoking; firearms and explosives; distractions; and like conduct. The above rule meets KRS 158.110.

If the safety or well being of other students are in jeopardy, students who break the discipline code may be suspended from riding the bus for an indefinite period of time. Transportation will be determined on case by case basis.

In case of expulsions in addition to the due process procedures noted under suspension (see page 5) the following procedural due process guidelines shall be followed:

- a. **Adequate Notice:** A student who faces an expulsion must be informed of the accusations and apprised of them within one (1) school day of the principal's decision to recommend expulsion to the superintendent outlining specific details so that an adequate defense can be prepared. Records of improper conduct should be maintained.
- b. **Copy of Procedures:** The involved student and his/her parents or guardians should be provided with a copy of the board's procedures in order to insure that they know all their rights.
- c. **Timely Notice:** A minimum of five (5) days notice shall be granted to the student in order to provide time for the student to prepare adequate defense.
- d. **Names and Witnesses:** The names of all witnesses shall be made known to the involved students three (3) days prior to the hearing.
- e. **Inspection of Documents:** The involved student or his/her legal counsel shall be entitled to inspect three (3) days in advance any affidavits or other exhibits to be used against him/her by the school officials at the hearing.
- f. **Legal Counsel:** The student may appear at the hearing with legal counsel of his/her choice.
- g. **Cross-examination:** To insure a thorough examination of the facts, the student or his/her counsel may cross-examine those witnesses who have primary knowledge of the facts.
- h. **Student's Story:** The student may present witnesses or affidavits or any documents desired to insure adequacy of the presentation of his/her defense.
- i. **Impartial Board:** The Board of Education must preserve neutrality until all sides have been presented. Unfounded assertions must not be considered.
- j. **Limit the Decision:** The decision shall be based on the information presented.
- k. **Written Decision:** The Board of Education shall provide the student with a written copy of the decision including a finding of the facts and action to be taken no later than forty-eight (48) hours subsequent to the decision. Right of appeal should be explained.
- l. **Record:** The Board of Education shall provide a copy of the audiotape to hours of the student if requested within forty-eight (48) the hearing.

The make up of the school discipline committee will be determined by each school's SBDM. (#4 on page 7)

CORPORAL PUNISHMENT CLARIFICATION: *Corporal punishment may only be administered to students having written permission on file. 704 KAR 7:056. Corporal punishment shall be administered only upon the buttocks of the student's body. (#6 on page 7)*

****A section of KRS Chapter 158 states 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. (#10 page 7)**

E. STUDENT CONDUCT OCCURRING ON SCHOOL PROPERTY OR AT SCHOOL-SPONSORED FUNCTIONS WARRANTING DISCIPLINARY ACTION

- 1) **AGGRESSIVE MISBEHAVIOR TOWARDS ANY SCHOOL EMPLOYEE:**
Physical contact or threat of physical contact towards school employees with the intention of doing bodily harm by a student or group of students.
- 2) **ARSON (or attempted arson):** Starting a fire within the school, on buses, or on school grounds, for any purpose that results in destruction or disruption.
- 3) **BOMB THREAT:** Making a threat that a bomb has been placed or is about to explode, on any school property.
- 4) **BURGLARY:** A student is guilty of burglary when:
 - a) With the intent to commit a crime, he/she knowingly enters or remains lawfully in a building.
 - b) With the intent to commit a crime, he/she knowingly enters or remains in an uninhabited building.
- 5) **CRIMINAL MISCHIEF:** A person is guilty of criminal mischief when:
 - a) Having neither the right to do so, nor reasonable grounds to believe that he/she has such right; he/she intentionally or wantonly defaces, destroys, or damages any property of another. Student and/or parents shall be held liable for financial restitution for willful destruction or loss of school property.
- 6) **CRIMINAL TRESPASS:** A person is guilty of criminal trespass when:
 - a) He/she knowingly enters or remains unlawfully in a school building.
 - b) He/she knowingly enters or remains unlawfully in a school building or upon premises to which notice against trespassing is given by fencing or other enclosure.
 - c) He/she knowingly enters or remains unlawfully in or upon school premises.
- 7) **CRIMINAL USE OF NOXIOUS SUBSTANCE:** A person is guilty of criminal use of noxious substance when he/she unlawfully deposits it on land, or in the building, or vehicle of another, any stink bomb, device, or irritant with intent to interfere with another's use of land, building, or vehicle.
- 8) **DEFIANCE OF AUTHORITY:** Refusal to comply with reasonable request of school personnel.
- 9) **DISORDERLY CONDUCT:**(including profanity, pornography, and obscene behavior) Conduct and/or behavior which is destructive or disruptive to the orderly educational procedure of school, such as, horseplay, which may lead to more serious conflicts, is not allowed on the school property or on the way to and from school. The act of throwing an object or shooting objects or liquids on school property, including but not limited to, water balloons, water guns &/or paintball guns, may result in a 3 day suspension & loss of any school privileges during that suspension. This includes, but is not limited to, graduation exercises. Any senior pranks that include horseplay, or the other before mentioned behaviors or, including parking lot pranks, may result in suspension & loss of school privileges during that suspension, including but not limited to graduation exercises.

- 10) **DRUG RELATED PARAPHERNALIA:** Possession of hardware pertaining to controlled or illegal substances. Some of the items that can be considered paraphernalia, but not limited to, are: pipes, roach clips, hemostats, lighters, matches, etc.
- 11) **EXTORTION:** The solicitation of money, or something of value, from another student, regardless of the amount, in return for protection, or in connection with a threat to inflict harm.
- 12) **FALSE FIRE ALARM OR TAMPERING WITH SYSTEM:**
- 13) **FORGERY:** The act of falsely using the name of another person, or falsifying documents or correspondence (absences—excuses, from or to the school).
- 14) **GAMBLING:** Participating in games of chance for the express purpose of exchanging money.
- 15) **HARASSMENT:** A person is guilty of harassment when with the intent to harass, annoy, or alarm another person he/she:
 - a) Strikes, shoves, kicks, or otherwise subjects him/her to physical contact or attempts or threatens to do the same; or
 - b) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or
 - c) Follows a person in or about a public place or places; or
 - d) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other persons and which serve no legitimate purpose.
- 16) **INTIMIDATION OF WITNESS:** Any physical or verbal intimidation of any witness to any school violation.
- 17) **LOITERING BY UNAUTHORIZED STUDENTS:** Being on school grounds or in the school, or at any extra curricular activity, home or away, without authority or permission of school personnel. This would include students on shortened programs, suspended students, and students that have been expelled.
- 18) **MALICIOUS REMARKS:** To willfully intimidate, insult, or in other manner abuse verbally or in writing (such as name-calling, making fun of) any member of the school staff or student body.
- 19) **DISCRIMINATORY/PREJUDICE REMARKS:** Socially unacceptable remarks, comments, gestures, actions, (verbal, non-verbal, or written) as determined by the best judgment of the school officials. (see page 20)
- 20) **MENACING:** A student is guilty of menacing when he/she intentionally places another person in reasonable apprehension of imminent physical injury.
- 21) **NON-SCHOOL TIME VIOLATION:** Students will be subject to school discipline for any violation of this code at school related functions. This includes both extra curricular and co-curricular activities at both home or away.
- 22) **PHYSICAL ASSAULT:** Physical attack by one student or group of students, upon another or others.
- 23) **POSSESSION OF WEAPONS:** The possession of any instrument on the school property, such as, fireworks, explosives, mace, knives, clubs, guns, chains, and the like that can be used to inflict injury to another person. Instruments of this type observed in the student's possession will be confiscated. Possession includes, but is not limited to, one the student's person, in his/her locker, and or in the vehicle he/she drives to school. Automatic suspension of non-IDEA students followed by recommended expulsion for possession of weapons,
- 24) **ROBBERY:** A student is guilty of robbery when, in the course of committing theft, he/she uses or threatens the immediate use of physical force upon another student with the intent to accomplish the theft.
- 25) **SKIPPING:** Skipping school or class, leaving school without permission, or in an unauthorized area.
- 26) **POSSESSION/USE OF TOBACCO PRODUCTS:** Possession and/or use of any tobacco products is prohibited.
- 27) **EXCESSIVE TARDINESS TO SCHOOL OR CLASS:** Five (5) or more instances of tardiness is considered excessive.
- 28) **TERRORISTIC THREATENING:** A student is guilty of terroristic threatening when: he/she threatens to commit any crime likely to result in death or serious physical injury to another student or likely to result in substantial property damage to another student; or he/she intentionally makes false statements for the purpose of causing evacuation of the building, place or assembly, or facility transportation.

- 29) **THEFT AND RELATED OFFENSES:** The taking of property of others, (students, teachers, visitors, etc.) without their consent, possession of stolen property, or possession without owner's permission, selling of school property.
- 30) **UNLAWFUL ASSEMBLY:** A person is guilty of unlawful assembly when: he/she assembles with five (5) or more persons for the purpose of engaging, or preparing to engage with them, in disorderly behavior. Being present at an assembly which either has or develops such a purpose, he/she remains there with intent to advance that purpose.
- 31) **USE OR POSSESSION OF, OR SELLING OR ILLEGAL OR HARMFUL SUBSTANCES:** Illegal substances include dangerous drugs, narcotics, marijuana, barbiturates, amphetamines, and any other material that has a harmful or unnatural effect on the person using them. Possession includes items found in the locker assigned to the student, in vehicles, and any other place where deposited by the student.
- 32) **USE OR POSSESSION OF, SELLING OF NON-PRESCRIBED OR "LOOK-ALIKE" SUBSTANCES OR ALCOHOLIC BEVERAGES:** Non-prescribed substances are those substances, which a student may have in his/her possession not prescribed for him/her, but for someone else, or sold over-the-counter and are being used or sold to create an unnatural effect or sold for profit. "Look-alike" substances are those substances used, sold, or possessed by an individual, which proposes to be a controlled or illegal substance.
- 33) **USE OF, POSSESSION OF, OR UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES:** Alcoholic beverages include any beverage with alcoholic content. Possession includes items found in the locker assigned to the student, in vehicles and any other place where deposited by the student.
- 34) **USE OF WEAPONS:** The use of any instrument, which is used to inflict bodily injury to another student. Possession of any weapon (knives, etc.) will not be allowed. (See # 23)
- 35) **TELECOMMUNICATION DEVICE.** Telecommunication devices should not be turned on during the instructional day. Telecommunication devices include pagers, cellular phones, and other telecommunication devices as defined by KRS 158.165. This offense will be treated as defiance of authority under the Discipline Code. In addition, 1st offense, the device will be confiscated by a school employee for 10 calendar days. The 2nd offense, the device will be confiscated for 45 calendar days, and for the 3rd offense, the device will be confiscated 90 calendar days and the student assigned 5 days of in-school alternative setting (if applicable). **The school will not be responsible for confiscated, stolen, lost, or damaged devices.** The device may be visible and used after the end of the instructional day as designated by each individual school SBDM council/administration. Any telecommunication devices visible during the instructional day, even if turned off, will be confiscated. Even if concealed, it is against school policy for the telecommunication device to be turned on during the school day.
- 36) **WANTON ENDANGERMENT:** A student is guilty of wanton endangerment when he/she wantonly engages in conduct which creates a substantial danger of physical injury to another student.
- 37) **RELATED AND/OR REPEATED VIOLATION:** Additional disciplinary offenses, either the same or different, in which the available procedures are not sufficient.
- 38) **MISUSE OF TECHNOLOGY:** Misuse of Internet, e-mail, or network according to school district's students' Acceptance Use Policy.
- 39) **SCHOOL EMPLOYEE ABUSE:** When a student directs speech or behavior towards a school employee that could result in disruption or interference with normal school activities or undermine the order and discipline of the school, that student can be punished and may be legally charged for this offense. (KRS.161.190)
- 40) **BULLYING/HAZING:** The use of lewd, profane or vulgar language, behavior such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others or other threatening behavior. Including, but not limited to, the use of electronic or online methods. (Fleming County Board Policy 09.422)
- 41) **ANY OTHER BEHAVIOR:** Any conduct not specified in items 1-40 above may be disciplined at the principal's discretion.

Fleming County Schools Dress Code/Policies.....*Dressing for Success!*

The following requirements are applicable to both male and female students except where indicated:

- A. **Hair and Head Coverings:** All students should have hairstyles that are clean, neat, and well groomed. Extreme styles, or purposefully applied unnatural hair color including, but not limited to, green, purple, orange, fire engine red, blue, white, yellow and gray hair will **NOT** be permitted. These include but are not limited to mohawks, extreme spiking, and unnatural hair colors.
1. While hats, toboggans, and hoods may be worn to and from school, **NO** hats, caps, toboggans, head wraps, turbans, doorag, sweatbands, combs, hair nets, curlers, or other items deemed inappropriate by administration are permitted to be worn during the school day inside the school building, and **MUST** be removed prior to entering the school building. These items, if brought to school, must be secured in locker, book bag, or with a teacher prior to the start of the school and must remain there until dismissal.
 2. Some prohibited items may be allowed with principal permission if being worn for religious or medical reasons and/or outside activities.
 3. Hats needed for safety in shop classes are to be kept in the classroom and are not permitted to be carried in the hallways between classes.
- B. **Clothing—All Students:**
1. All garments must be of a type of material that will prevent exposure of undergarments or body (eg. No see through, mesh...etc.)
 2. Any clothing, tattoos, makeup or accessories that are or have patches, images emblems, slogans, or words deemed unusual, disrespectful, prejudicial, profane, shocking, vulgar, drug/alcohol/tobacco/sex/gang/cult related are prohibited.
 3. Sunglasses are not to be worn in the school building except if approved by the principal for verified medical reasons.
 4. In grades 4-12 students may only wear shirts, blouses, dresses, that have sleeves unless worn over a full shirt or blouse. At all grades there will be **NO** bare mid-riffs, bare backs or low-cut necklines. For all grades all shirts, blouses, or tops must extend completely to the lower garment, stomachs, upper back, and lower back must be covered at all times.
 5. Pants, shorts, and skirts must be worn so that they are not sagging or exposing undergarments. Clothing with holes exposing skin or undergarments above the knee are banned.
 6. Shorts, dresses, and skirts must be deemed appropriate by the administration and must be mid-thigh length or longer. (Exceptions to this rule for Physical Education classes during class time only—still no short shorts.)
 7. Appropriate shoes or sandals must be worn at all times.
 8. During the course of the year, there may be special days when some departure from the dress code will be allowed by school administration. These will be announced to all students.
 9. Dress codes may be stricter at individual schools based on SBDM decisions.

This code may be revised any time during the school year. Students and parents will be notified of any changes.

Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the student's possession by a staff member. Such items may be returned to the student by the staff member or through the principal's office. The school will not be responsible for confiscated, lost, stolen, or damaged items.

SEARCH AND SEIZURE: School property, such as lockers and desks, are jointly held by the school and the student. School authorities have the right to conduct general inspection of all such property 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 to items left in such locations. A single desk or locker may be searched if reasonable suspicion exist to believe that evidence of a violation of the law or a school rule is contained therein. Vehicles parked on school property may be searched in order to protect the health and safety of the students and staff of the school, pursuant to the agreement between the student and the school administration based on driving privileges.

No student's outer clothing, pockets, or his/her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there is reasonable suspicion to believe the search will reveal evidence that the student has violated or is violating either a school rule or the law. Search of the student's person shall be conducted only with the express authority of the principal. However, nothing herein will preclude a student from being subjected to a fixed or hand held electronic screening detector and an affirmative signal or response will serve as reasonable suspicion for a more intrusive search.

No strip searches of students shall be permitted. The phrase "strip search" means requiring a student to remove any article of clothing, or requiring a student to lift or lower an article of clothing thereby causing exposure of undergarments to allow for a visual inspection. The required removal of shoes, socks, or a hat or the removal or arrangement of outerwear does not constitute a strip search.

- A) Searches of a student's person or his/her personal effects shall only be conducted by a certified person directly responsible for the conduct of the student or the principal of the school which the student attends.
- B) Subject to the following conditions, the principal may authorize the use of trained dogs to locate controlled substances on school grounds:
 - The principal or the principal's designee shall be present.
 - Searches involving dogs shall be conducted only when students are in classrooms; no student shall be in the vicinity of lockers being searched.
 - All dogs shall be on a leash and will not be allowed to come in close proximity to any student.

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

A staff member may temporarily remove items that may be used to disrupt or interfere with the educational process from the student's possession. Such items may be returned to the student by the staff member or through the principal's office. The school will not be responsible for confiscated, lost, stolen, or damaged items.

SUSPENSION/EXPULSION PROCEDURES FOR IDEA-ELIGIBLE STUDENTS

In a case where disciplinary action involves exceptional (*special education*) students and students who have been referred for evaluation for possible special education placement and/or related services, the following procedures shall be followed.

- 1) If suspension is essential to protect persons or property or to avoid disruption of the ongoing educational process, then,
 - a) The student must first be granted an informal hearing and then may be suspended.
 - b) As soon as practical, an Administrative Admissions and Release Committee (AARC) must be convened to determine whether the discipline problem is related to the student's handicapping condition. (manifestation determination)
 - c) If the discipline problem is determined to be related to the handicapping condition:
 - The suspension is immediately lifted, and
 - The AARC must consider the appropriateness of the placement and/or the Individual Education Program (IEP).
 - d) If the problem is determined to be unrelated to the handicapping condition, then the student will be disciplined according to regular procedures.
 - e) If the ARC determines that an exceptional child's behavior is related to his/her disability, the child shall not be suspended any further or expelled unless the current placement could result in injury to the child, other children. The educational placement shall be provided that will provide for the child's educational needs and will provide a safe learning and teaching environment for all.
- 2) If a discipline problem does not require immediate suspension, the student remains in his/her current school placement, and the principal must convene a School-Based Admissions and Release Committee (SBARC) within ten (10) days. The SBARC determines whether the discipline problem is related to the handicapping condition. If the behavior is related to the handicapping condition, the SBARC considers the appropriateness of the placement and/or the IEP. If it is unrelated to the handicapping condition, then the student will be disciplined accordingly.
- 3) A child with a disability who is removed from the child's current placement for more than 10 consecutive days or 10 days in the same school year shall:
 - a) Continue to receive a free, appropriate public education so as to enable the child to continue to participate in the general curriculum although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
 - b) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services, and modifications that are designed to address the behavior violations so that it does not recur. These services may be provided in an alternative educational setting.

GUN-FREE SCHOOL ACT—It is the policy of the Fleming County School System to report any student who is determined to have brought a weapon or firearm to a school or school grounds under the jurisdiction of this system to the criminal justice or juvenile delinquency system. To comply with existing requirements of the Individuals with Disabilities Education Act (IDEA) regarding discipline of students with disabilities, our board of education will modify the expulsion requirements, on a case-by-case basis, for IDEA-eligible students. IDEA-eligible students may be expelled for behavior related to their disabilities, as long as the procedural safeguards required by IDEA and KRS 158.150 is followed. Non-IDEA eligible students will be expelled for not less than one calendar year from their regular school setting in our school system for violation of this policy.

ANY STUDENT FROM ONE SCHOOL WHO VIOLATES THE SCHOOL DISCIPLINE CODE WHILE AT ANOTHER SCHOOL OR ON ANY SCHOOL PROPERTY WILL BE DISCIPLINED. THE TWO PRINCIPALS WILL DECIDE THE DISCIPLINARY ACTION.

ATTENDANCE POLICY

Absences and tardies for all students in Kentucky will be calculated based on the following guidelines: (1) A full day of attendance shall be recorded for a pupil who is in attendance at least sixty-five (65) percent of the regularly-scheduled school day for the pupil's grade level. (2) A tardy shall be recorded for a pupil who is absent less than 35 percent of the regularly-scheduled school day for the pupil's grade level. (3) A half day absence shall be recorded for a pupil who is absent 35 percent to 84 percent of the regularly-scheduled school day for the pupil's grade level. (4) A full day absence shall be recorded for a pupil who is absent more than 84 percent of the regularly-scheduled school day for the pupil's grade level. (Daily Tardy is NOT the same as a tardy to class)

All pupils are expected to attend school regularly and punctually in the school in which they are enrolled and to be on time for classes in order to gain the most benefit from the instructional program and to develop desirable traits of punctuality, self-discipline, and responsibility. Therefore, the Board has adopted the following attendance provisions:

COMPULSORY SCHOOL ATTENDANCE

Each parent or guardian having custody or control of any student who has enrolled in kindergarten and any student between the ages of six (6) and sixteen (16) shall send the student to school for the full term that the school district is in session. Students age sixteen-seventeen (16-17) are subject to this law, unless written parental permission for withdrawal has been received by the school after the parent and student have attended a one (1) hour counseling session with the school counselor on potential problems of non-graduates. Any student, aged eighteen through twenty-one (18-21) enrolled in public schools is subject to truancy laws.

Every student shall attend school every day that school is in session unless that student is absent or tardy with a valid, excused reason. Accumulation of unexcused absences and unexcused tardies is a violation of the law (see Truancy Defined below). Each school district in Kentucky is authorized to set its own attendance policy to determine when an absence or tardy is excused or unexcused. Violations of this law are subject to legal action.

TRUANCY DEFINED (Per KRS 159.150):

Any student who has not reached his or her twenty-first birthday, who has been absent from school without a valid excuse for three (3) or more days or tardy without a valid excuse on three (3) or more days is truant.

A habitual truant is any student who has been reported as truant two (2) or more times (interpreted to be 6 unexcused days or 6 unexcused tardies).

For the purpose of calculating habitual truancy, Fleming County Schools will use cumulative absence events to determine when a student has accumulated six (6) or more unexcused days. For example, having a half day unexcused absence event one day and a half day unexcused absence event another day would equal one (1) full day unexcused absence towards the 6 unexcused days for truancy. Tardy is being absent less than 35 % of the regularly scheduled school day. Accumulating six (6) unexcused daily tardies is considered habitual truancy.

TRUANCY PROCEDURES:

Personal contact with a student's parents/guardians will be attempted by school staff in writing when the student has at least three (3) unexcused days absences or tardies. E-mail and phone messages may also be used. Family Resource/Youth Service Center staff and/or other school staff will conference with the student, and parents, if needed. Intervention programs and/or activities may be utilized as a result of this contact. Reasons for the attendance problems will try to be determined during this conference. If the student continues to have unexcused absence events or tardies, the Director of Pupil Personnel will attempt to make a home visit to serve FINAL NOTICE, either personally or via certified mail.

Court referrals will be made for any unexcused absence event or tardy after final notice is issued. Legal action shall be sought against parents of habitually truant students in grades K-6 in Fleming District Court as misdemeanor charge. Juvenile charges will be filed directly against habitually truant students in grades 7-12, up to the 18th birthday, through the offices of the Court Designated Worker. Students eighteen years of age (18) or older will be charged with a misdemeanor through Fleming District Court. The court-appointed guardian of a public school student who has not reached his or her twenty-first (21) birthday, is accountable if the student fails to comply with the school truancy laws

ABSENCES AND EXCUSES

EXCUSED ABSENCE EVENTS/DAILY TARDIES:

Students in Fleming County Schools' will be allowed up to seven (7) absence events to be excused with a written parent note for the entire school year. Fleming County Schools' will excuse up to ten (10) absence events with doctor/medical excuse/note. Any absence events due to medical reasons in excess of ten (10) will require the presentation of the Fleming County Schools' Medical Excuse Form XP26 before the absence will be excused. The XP26 forms will be available at each school, superintendent's office and some medical facilities upon parent request.

Students in Fleming County Schools' will be allowed up to five (5) daily tardies to be excused with a written parent note for the entire school year. For any daily tardy other than the 5 parent notes will be excused according to the list below.

The following are reasons for valid excused absence events and/or tardies:

1. Written parent notes for each individual absence event up to 7(*)
2. Written parent note for each daily tardy up to 5(*)
 3. a. Medical excuse forms can be provided by the health care provider to excuse up to 10 absence events
 - b. Medical form provided by health care provider to excuse up to 5 daily tardies
4. Documented military leave;
5. One day excused prior to departure of parent/guardian called to active military duty;
6. One day excused upon the return of parent/guardian from active military duty;
7. Education Enhancement Opportunity pre-approved by school principal;
8. Bus unable to make regular run because of weather related conditions;
9. One day excused absence for attendance at the Kentucky State Fair;
10. Partial day absence event if student becomes ill or injured during the school day, and school personnel advises the student/parent to leave school early. Dress code violations or disciplinary reasons are NOT included in this section;
11. After exceeding the allowed parent notes and/or medical excuses, other valid reasons to be determined by the principal, assistant principal, DPP, or their designee, including court excuses and driver's license.
12. Medical reasons after 10 absence events/or 5 daily tardies will be excused ONLY if Fleming County Schools' Medical Excuse Form XP26 is presented.
13. Armed Forces Rest & Relaxation-up to 10 days to visit with student's parent or legal guardian who is on leave from active over-seas duty.

NOTE: Student planned class skip days or walkouts are not authorized or approved by Fleming County Schools'. An absence occurring on these days will NOT be excused without an XP26 Form or demonstrated valid excuse.

(*) Elementary schools do not require notes for these two events.

(*) Middle school does not require notes for these two events.

All absence events and tardies will be considered unexcused until the appropriate written note, excuse, or documentation is presented to the school. These notes, excuses, etc. must be turned in to the school within 5 days after the absence event or tardy. If not received in 5 days, the absence event/tardy will remain unexcused.

INDIVIDUAL SCHOOLS' ATTENDANCE REQUIREMENTS:

The SBDM Council for each school may develop specific attendance requirements consistent with the general Board of Education policy. These requirements as well as Board policy will be published in a handbook or written communication to be distributed to each student and sent home to parents/guardians.

REFERENCES

KRS 36.396, KRS 40.366, KRS 158.070, KRS 158.183, KRS 158.293,
KRS 158.294 KRS 159.150, KRS 159.051, KRS 159.180
702 KAR 7:125, 704 KAR 3:390, 704 KAR 7:100
OAG 76-566, OAG 79-68, OAG 79-539, OAG 91-79, OAG 96-28

MAKE-UP WORK/LOSS OF CREDIT:

It is a student's responsibility to arrange for make-up work within 3 days after returning to school after an excused absence event. If a student requests assignments during an unexcused absence event, the work shall be given to them and shall be credited at no more than fifty percent (50%) of the original value.

SUSPENSION:

When a student is absent due to a suspension, any assignments or tests made up that were originally missed due to the suspension shall be credited at no more than fifty percent (50%) of the original value. Arrangements for this make-up work must be made within 3 days after returning to school after the suspension. Students who are suspended the day a midterm or final exam is given may schedule to take the exam within three (3) days following the end of the suspension. Students who have been suspended may not participate in extra- or co-curricular activities during the suspension days. Example: If a student is to be suspended from school on Monday and Tuesday, then that student may not participate in any extra or co-curricular activities until Wednesday morning.

ATTENDANCE APPEAL:

Students who have received unexcused absences or have extenuating circumstances for which they desire special consideration may appeal such to the principal and/or DPP, asking them to convene an Attendance Appeal Committee. This committee may consist of the principal/designee, certified staff member, student, FRYSC staff, and DPP.

SPECIAL CONSIDERATION:

Parents/guardians of chronically ill students or students with disabilities should notify the principal in writing in order for these students to receive special consideration. A Fleming Co Schools medical excuse form XP26 may be required to be presented.

HOMEBOUND SERVICES FOR EXTENDED MEDICAL REASONS:

Parents/guardians of students for whom it is anticipated that they will be absent five (5) days or more due to a medical condition shall arrange for homebound instruction through the principal or attendance clerk at the school. Parents/guardians must contact the school immediately upon a doctor's recommendation that a student be absent from school at least five days. State approved homebound applications that include a physician's statement must be presented to the school requesting homebound services prior to service beginning. These forms are available at the schools and at local physicians' offices. A committee will approve or deny the request based on state criteria. Once placed on homebound, the student is not counted absent and class work continues with a certified teacher. There is no cost for this service.

COMMUNICABLE DISEASES: Adopted by the Fleming County Board of Education on June 30, 1988.

- A. **Definition:** Reportable communicable diseases are those diseases defined by the Kentucky Cabinet of Health Services of which known cases are required to be reported to the local health department.
- B. **Reporting Procedure:** The parent, guardian, or foster parent of any student who suspects or knows that the student has a reportable disease shall immediately report the condition to the principal of the school the student attends. The principal shall report to the superintendent and the health coordinator any student who has or is suspected of have a reportable disease.
The school district health coordinator shall report to the county health department any student who has, or there is reasonable information that the student has a reportable disease.
- C. **Exclusion from School Attendance:** Any student who has a reportable disease shall be excluded from attending school.
- D. **Return to School Attendance:** Any student who has been excluded from school attendance because of a reportable communicable disease may return to school when one of the following conditions have been satisfied:
 - 1) The health department or student's personal physician advises the principal in writing, that the student may return to school.
 - 2) A period of time has elapsed corresponding to the communicability of the disease, as established by the Kentucky Cabinet of Health Services.

Legal Reference: KRS 158.160 Disease: epidemics; school may be closed.
902 KAR 2:020 Reportable Diseases

¹ These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the *No Child Left Behind Act of 2001* (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the *National Defense Authorization Act of Fiscal Year 2002* (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) NOTICE FOR DIRECTORY INFORMATION

The Family Education Rights and Privacy Act (FERPA), a Federal law, requires that Fleming County School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your student's education records. However, Fleming County School District may disclose appropriately designated "directory information" without written consent, unless you have provided written notice to the Superintendent to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Fleming County School District to include this type of information from your student's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for football, showing weight and height of players directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent.¹

If you do not want Fleming County School District to disclose directory information from your student's education records without your prior written consent, you must notify the District in writing upon registration. Fleming County School District has designated the following information as directory information:

- Student's name
- Participation in officially recognized activities and sports
- Address
- Weight and height of members of athletic teams
- Telephone listings
- Degrees, honors, and awards received
- Electronic mail address
- The most recent educational agency or institution attended
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level

When a student attains the age of 18 years old and/or is enrolled in an institution of post-secondary education, his/her parents/guardians no longer have the right to grant review, inspection, or copies of the student's records. The student has acquired the sole right to review or grant reviews and inspections of the records. Parents of students 18 years or older may be provided access to view educational records if the student is dependent under federal tax laws. Therefore, all written permission must come from the student for review, inspection, and transfer of copies of information in the student's folders. Officials of schools, in which a student enrolls, may request and receive records without parents/guardians or eligible student permission. A formal written request to have access to a student's records or a valid court order must be received in all other cases. For persons authorized by the parents/guardians to examine the records, the request must be written consent from the student's parents/guardians or eligible student specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents/guardians and the student if so desired. School personnel, principals, assistant principals, counselors, current teachers, Director of Pupil Personnel, superintendent, attendance clerks, may review, inspect or receive copies of student's records without permission from parents/guardians and 18 year olds or older students.

PREJUDICE REDUCTION POLICY

Section I: Definition

Discrimination in the form of derogatory or unacceptable remarks, written words or symbols, gestures, and actions in reference to socially sensitive issues including but not limited to race, color, national origin, age, religion, marital status, sex, sexuality, or disability, as determined by school officials, could result in referral to the Prejudice Reduction Diversion Program.

The Prejudice Reduction Diversion Program will require student(s) to attend a session with a trained, off-site professional. Parent attendance at first session is mandatory. Students/parents will pay half the cost of the Prejudice Reduction Diversion Program (at least \$75). If additional services are needed, cost to families could increase.

Section II: Consequences

1st Offense

First time offenders will be suspended six (6) days. A conference will be held with student, parent, and principal, where a diversion program could be offered to student(s). Upon acceptance and entry in the Prejudice Reduction Diversion Program, three (3) days of suspension will be probated. Failure to fulfill requirements of the program will result in full reinstatement of original suspension.

2nd Offense

Second time offenders of the Prejudice Reduction Policy will result in a six (6) day suspension with mandatory enrollment in the Prejudice Reduction Diversion Program. Failure to enroll in the program will result in placement in Safe Choices for a time to be determined by school officials.

3rd Offense

Third time offenders of the Prejudice Reduction Policy will result in mandatory placement in Safe Choices for remainder of school year, or expulsion if deemed necessary by school officials.

NO PASS/NO DRIVE (KRS 159.051)

If a student, age 16 or 17, drops out of school, accumulates six (6) or more unexcused absences (including suspensions), or is declared to be academically deficient-not receiving passing grades in at least four (4) courses or the equivalent (>66% of classes) each trimester, he/she will not be eligible for the privilege to operate a motor vehicle. Reports to the Transportation Cabinet will be made at the end of each trimester for students, age 16-17, who have dropped out, accumulated 6 or more unexcused absences, or did not receive passing grades in at least 4 or the equivalent of 4 (>66%), courses that trimester. Reports may be made at anytime during the trimester when accumulated unexcused absences reaches 6.

Any student who is applying for an initial driving privilege of any type on or after August 1, 2007, must get a verification form from the counseling office at the school or from the Director of Pupil Personnel at the superintendent's office before going to the clerk's office to apply for a driving privilege.

DRUG POLICY

SECTION I: Drug Levels

A. Level I Drugs

Drugs in this category include alcohol, marijuana, prescription drugs, and other drugs as defined by professionals.

B. Level II Drugs

Drugs in this category include cocaine, methamphetamines, and other highly addictive drugs as defined by professionals.

SECTION II: Drug Violations

A. Drug Distribution or Trafficking

The distribution of any Level I or II substance, or substance represented or believed to be controlled substance.

B. Drug Related Paraphernalia

Possession of hardware pertaining to controlled or illegal substances, such as pipes, roach clips, etc.

C. Use or Possession of Illegal or Harmful Substances

Illegal substances include all Level I or Level II substances, and any other material that has a harmful or negative effect on the person using them. Possession includes items found in lockers assigned to student, in vehicles, and any other place where deposited by student.

D. Use of Possession of Non-Prescribed or “Look-alike” Substances

Non-prescribed substances are those substances that a student may have in his/her possession that are not prescribed for him/her or are sold over the counter and are being used to create an unnatural effect. “Look-alike substances are those substances used, sold or possessed by an individual, which proposes to be controlled or illegal substance.

E. Use of, Possession of, or Under the Influence of Alcoholic Beverages

Alcoholic beverages include any beverage with alcoholic content. Possession includes items found in the locker assigned to the student, in vehicles, and any other place deposited by the student.

SECTION III: Consequences

A. First Offense

For the first offense, consequences will be as follows:

- Level I substances—First time offenders will be suspended ten (10) days with local law enforcement notified and appropriate charges filed. A conference will be held with student, parent/guardian, principal, and Safe Schools Coordinator. A **“First Time Level I Offender Contract”** will be offered to student and parent/guardian. Upon acceptance and entry into a **Prime For Life Under 21** program by parent and student, five (5) days of suspension.

- Level II substances—First time offenders will be suspended ten (10) days with a local law enforcement notified and appropriate charges filed. A conference will be held with student, parent/guardian, principal, and Safe Schools Coordinator. Because of the addictive nature of these substances, students and parents will be offered “First Time Level II Offenders Contract”. Upon acceptance and entry into a treatment facility program by parent and student, five (5) days of suspension will be probated. Failure to complete the program will result in five (5) days being reinstated to suspension.
- Drug Trafficking—First time offenders will be indefinitely suspended with local law enforcement notified and appropriate charges filed. An expulsion request shall be filed against the student.

B. Second Offense

For second offenses, consequences will be as follows:

- Level I substances—Second time offenders will be suspended ten (10) days with law enforcement notified and appropriate charges filed. A conference will be held with student, parent/guardian, principal, and Safe Schools Coordinator. Because of the repetitive violation, students and parents will be offered “First Time Level II Offender Contract”. Upon acceptance and entry into a treatment facility program by parent and student, five (5) days of suspension will be probated. Student will be placed in Safe Choices until treatment program is finished. Failure to complete the program will result in five (5) days being reinstated to suspension and placement in Safe Choices for remainder of school year.
- Level II substances—Second time offenders will be indefinitely suspended with local law enforcement notified and appropriate charges filed. Because of the addictive nature of Level II substances, an expulsion request shall be filed against the student.

C. Third Offense

For third offenses the consequences will be as follows:

- Level I substances—Third time offenders will be indefinitely suspended with local law enforcement notified and appropriate charges filed. Because of the repetitive violation, an expulsion request shall be filed against the student.

FLEMING COUNTY SCHOOL DISTRICT NONDISCRIMINATORY POLICY STATEMENT

Students, their parents, employees and potential employees of the Fleming County Schools are hereby notified that the Fleming County School System does not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or disability in employment programs, vocational programs, or activities, set forth in compliance with the Office of Civil Rights, Title VI, Title VII, Title IX, ADA, and Section 504.

Any person having inquiries concerning Fleming County Schools' compliance with the Office of Civil Rights Law, Title VI, Title VIII, Title IX, ADA, and section 504 is directed to contact **Greg Emmons**, 211 West Water Street, Flemingsburg, KY 41041, phone number (606) 845-5851.