

# **LIVINGSTON COUNTY SCHOOLS**

## **Student Code of Conduct**

**2018-2019**



**The Livingston County School District provides equal educational and employment opportunities.**

**For more information, please contact Amy Ramage, Director of Pupil Personnel at the address or phone number below:**

**Livingston County Board of Education  
P.O. Box 219  
127 East Adair Street  
Smithland, KY 42081  
(270) 928-2111**

## INTRODUCTION

The Livingston 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 also 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 the highest level possible. To support the success of the educational program, the Board directs employees to hold each student accountable to Code standards in a fair manner. Compliance with the standards is necessary to provide:

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

This code applies to all students in the Livingston County School District while at school, on their way to and from school, while on the bus or other District vehicle, and while they are participating in school-sponsored trips and activities. The Superintendent/designee is responsible for its implementation and application throughout the District. The Principal is responsible for administration and implementation of this Code within his/her school in a uniform and fair manner without partiality or discrimination.

Each school/council must select and implement appropriate discipline and classroom management techniques necessary to carry out this Code and shall provide a list of the school's rules and discipline procedures in the school handbook.

Teachers and other instructional personnel are responsible for administering Code standards in the classroom, halls, and other duty assignment locations.

This Code 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.

## MISSION AND VISION STATEMENTS—LIVINGSTON COUNTY SCHOOLS

**MISSION:** In Livingston County Schools, our mission is to Live RED- Reaching Excellence Daily.

**VISION:** In Livingston County Schools, our vision is to provide a culture of rigorous, engaging, and differentiated learning for every student, every day.

## STATEMENT OF NONDISCRIMINATION

In accordance with Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and board policy 1.1, the Livingston County Board of Education does not discriminate on the basis of race, color, national origin, sex, genetic information, disability, or age in its programs and activities and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

The Livingston County School District is an Equal Opportunity Employer. Employees shall not be discriminated against in appointments, promotion, demotion, dismissal, assignments, or other conditions of employment because of their political or religious opinions or affiliations, race, color, national origin, sex, age, ancestry, marital status, or disability.

Further, the Livingston County Board of Education does not discriminate against or deny services on the basis of race, color, national origin, sex, or disabilities in its vocational education programs. The Livingston County Board of Education offers a complete vocational program that is open to all students.

Inquiries regarding Section 504/ADA compliance may be directed to Ms. Pam Garrett and Title IX questions may be directed to Mrs. Amy Ramage, Livingston County Board of Education, P.O. Box 219, 127 East Adair Street, Smithland, KY 42081, (270) 928-2111. Inquiries regarding Title VI may also be directed to Mr. Melvin Houk, Finance Director, at the same address and telephone number.

## TEACHER/PARAPROFESSIONAL QUALIFICATIONS

The educators in the Livingston County School District are committed to providing a quality instructional program for your child. Because our District receives federal funds for Title I programs as part of the Every Student Succeeds Act (ESSA), you may request information regarding the professional qualifications of your child's teacher(s) and paraprofessional(s), if applicable. This information may be requested from the school principal.

### ESSA ASSESSMENT NOTIFICATION Annual Notification - Option to Request Assessment Information

Because our District receives federal funds for Title I programs as a part of the Every Student Succeeds Act (ESSA), you may request information addressing any State or District policy regarding student participation in any assessments mandated by ESSA, by the State or District. If you would like to request this information, please contact the school principal.

## BOARD POLICY

This code is part of the Board's policy on student behavior and discipline. **CAUTION:** After this code is distributed for the school year, changes to Board policy, including those affecting provisions of this Code, may be necessary due to new or revised statutes, regulations and case law. A complete copy of the policy manual is available for inspection at the Central Office and online at <http://policy.ksba.org/L09/>.

## 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.

### 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
- 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 is, 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:

- Conduct which threatens the health, safety, or welfare of others;
- Conduct that materially or substantially interferes with another student's access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities
- 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

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 of 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
- Littering
- Prohibited use of electronic media and other District technological resources: An Acceptable Use Policy (AUP) has been developed by the Livingston County School District which explains the general usage, internet safety, internet/email usage and penalties for violating these procedures. All students must sign the AUP in order to have internet access. Orientation is provided for all students about the Acceptable Use Policy.

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 behavior include, but are not limited to:

- Making abusive and harassing statements regarding race, gender, disability, religion or nationality
- Use of profanity
- Lying
- Cheating
- Ignoring or breaking rules and procedures established to maintain order
- Otherwise behaving in a manner disrespectful of others

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.

#### CELL PHONES/TELECOMMUNICATION DEVICES/PERSONAL BELONGINGS

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 KRS 158.165) and other related electronic devices, according to the following guidelines:

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

- 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.

- 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. Disciplinary action may include, but not be limited to, detention, alternative classroom, suspension, alternative school, or other corrective measures.
- All access to social networking sites during the school day through cell phone use or computer is strictly prohibited. Also, complete privacy cannot be expected in communication that is stated or posted on social networking sites. Therefore, comments of a disruptive nature which contain inappropriate or offensive statements about school staff/personnel, school policies or rules, or school in general ... may be cause for disciplinary action at school. Also, inappropriate comments about other students that manifest themselves at school that fall under the district harassment policy will be the basis for disciplinary action at school.
- Students are responsible for keeping up with and securing all cell phones, telecommunication devices, and other personal property they bring to school. The District shall not be responsible for loss, theft, or destruction of phones, telecommunication devices or any personal belongings brought onto school property.
- Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.
- 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 Conduct.

### **SCHOOL BUS REGULATIONS**

The rights of students to ride a school bus are contingent upon their good behavior and observance of the rules and regulations of the local and state boards of education. The following list of bus expectations are in place in order for students to have a safe bus riding privilege: 1) Be safe; 2) Use Respect; and 3) Show responsibility.

The general bus rules for a safe, respectful riding privilege are as follows: 1) Follow directions the 1<sup>st</sup> time given; 2) Keep your hands, feet, objects, and inappropriate comments to yourself; 3) Remain seated- this means back-to-back, bottom-to-bottom, and feet towards the floor; 4) Be responsible with personal items and keep food and drinks in backpacks and lunch containers; 5) Treat bus property and all other property with respect; 6) Follow your driver's instruction for voice level; and 7) All district, school, and classroom rules apply. The voice levels mentioned in rule number 6 above are defined as follows: 0=silent; 1=whisper, 2=normal voice, and 3=outside voice.

The bus driver is authorized to assign seats. The bus drivers shall promptly report any violation of district policy or school rules to the Principal, who may initiate appropriate disciplinary action, including but not limited to, a parental conference to discuss the student's behavior, or in the case of habitual or serious conduct violations, the withholding of bus riding privileges.

Drivers are in charge of their buses, and their first responsibility shall be to the safe transportation of their passengers. In the event that one or more pupils are behaving in a threatening or violent manner or in such a way as to endanger the safety of other pupils on the bus, the driver shall stop the bus and contact the bus garage or Superintendent's designee to send someone to pick up the student or, if behavior warrants, the driver shall call law enforcement. If calls for assistance are unsuccessful, as a last resort, the driver is authorized to order the offending student from the bus if the student is in the sixth (6<sup>th</sup>) grade or above. In the event a pupil is discharged for disciplinary reasons, the driver shall do so only at school or at the student's regular bus stop. At the first reasonable opportunity, the driver shall notify the principal of the school where the pupil attends or the Superintendent and the student's parent or guardian.

The bus driver shall discharge pupils at their regularly scheduled stops only, except with written authorization from the principal to discharge a pupil at another location. The principal shall have the authorization from a child's parents/guardians before permitting discharge at a location other than the regular stop. Passengers shall not bring an object on the school bus that may block the bus aisles or exits. A driver shall not knowingly permit any of the following to be transported on the bus: 1) firearms or weapons, either operative or ceremonial; 2) fireworks or other explosives of any type; 3) live animals, note: animals that are not a risk to other bus riders and that are necessary to enable a person to safely utilize the bus transportation as documented by adequate medical evidence, or required by a student's Individual Education or Section 504 Plan, or a service animal shall be allowed on the bus.; 4) preserved specimens that would likely frighten a pupil or cause a commotion on the bus; or 5) glass objects or helium balloons.

## FIELD TRIPS/AFTER SCHOOL/SUMMER PROGRAMS

Student educational trips that are arranged by school staff and approved by the principal will be considered an extension of the regular classroom work and an integral part of the educational program. All such trips will be arranged and conducted in accordance with school board policies and procedures. While on a school sponsored field trip or while participating in any after school or summer program as well as all extra-curricular activities, students will be held to the same rules or standards of conduct and discipline as they are during the regular school day. Infractions by students while participating in any of these activities may result in disciplinary action at school, as well as possible suspension from future participation in these activities.

## ATTENDANCE REGULATIONS

Regular and punctual school attendance is both a privilege and a responsibility of the student. The success students achieve in school is directly related to their punctuality and regularity of attendance. Good attendance is necessary to satisfactory progress and high academic achievement. Except as provided in KRS 159.030, each parent, guardian or other person residing in the state and having custody or charge of any child between the ages of six (6) and eighteen (18) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session.

Student attendance will be calculated based on the following guidelines found in 702 KAR 7:125:

- (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 thirty-five (35) percent or less 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 thirty-six (36) percent to eighty-four (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 eighty-four (84) percent of the regularly-scheduled school day for the pupil's grade level.

The Truancy Statutes classify six (6) unexcused absences as habitually truant. The Livingston County Schools will calculate habitual truancy using a cumulative figure. For example, missing two one-half days that are unexcused will equal one (1) full day unexcused absence.

A maximum of five (5) absences and 5 tardies excused by legitimate request of parents or guardians will be accepted. All additional absences will be unexcused, except those prearranged with the principal, those resulting from illness so certified by a doctor or from a genuine emergency, or other reason as allowed by school board policy. A written note or phone verification from parents shall be required as validation of excused absences or written verification from a health professional within a reasonable time, as determined by the Principal, following the return to school after an absence. Students presenting false verification shall be subject to disciplinary action.

On the day of returning to school following an excused absence, students are responsible for making arrangements with teachers to complete missed work. No make-up work is allowed for unexcused absences. Teachers shall record a grade of zero (0) for assignments missed because of a student's suspension.

## NO PASS/NO DRIVE: DRIVER'S LICENSE REVOCATION

All students ages 16 or 17 enrolled in regular, alternative, part-time, and special education programs who become academically deficient or deficient in attendance shall be reported to the Transportation Cabinet for driver's license, permit or driving privilege revocation. A student is academically deficient if he/she has not passed a minimum of 66% of their courses the preceding semester as recommended by the Kentucky Department of Education based on KRS 159.051. A student is deficient in attendance when he/she accumulates nine (9) or more unexcused absences in class/classes for the preceding semester. Suspensions shall be considered unexcused absences.

## EARLY DISMISSAL BY SCHOOL NURSES

When children are recommended by the school nurse to be sent home early from school due to illness, the nurse will provide a “nurse excuse” that will excuse the child for the remainder of that day only. In cases of parasites, such as head lice, a child will be limited to 3 nurse excuses per school year.

Nurses will recommend sending children home early from school for illness as needed based on guidelines from the Graves County Health Department. Other illnesses or circumstances not addressed in the guidelines will be handled by the nurse using their best professional judgment.

If children are sent home with a nurse’s excuse, depending on the circumstance, it may be recommended by the nurse that the parent should consider seeing their physician.

If children miss continued day(s) of school after leaving school with a nurse’s excuse, these continued absences will have to be excused by either parent note or doctor excuse as required in current attendance policies. Otherwise, they will be unexcused.

School officials reserve the right to rule on any situation not covered in the general guidelines stated above or those provided by the Graves County Health Department.

## HOUSE BILL 91- KRS 158.156

House Bill 91 was enacted during the 2008 legislative Session. The law was referred to during the legislative process as the “Golden Rule Bill” or the “Bullying Bill”, but the law is actually much broader than that—it focuses on students who are victims of felony offenses specified under KRS Chapter 508. HB 91 requires any school employee (or an employee of the board of education), who has reasonable cause to believe a student has been the victim of one of these offenses, to make a written or oral report to the principal of the school attended by the student/victim. Through the provisions of HB 91, it will be possible for school and district employees to report serious safe-school incidents, including bullying (rising to the level of a felony offense), to the principal so that quick and effective actions can take place to ensure the safety and well-being of all students.

School employees will receive training in the identification, documentation, and reporting of violations of the discipline code including the felony offenses found in KRS Chapter 508. These felony offenses include first degree assault, second degree assault, third degree assault, assault under extreme emotional disturbance, first degree wanton endangerment, first degree terroristic threatening, second degree terroristic threatening, first degree criminal abuse, second degree criminal abuse, first degree stalking, and disarming a police officer. A complete definition of these felony offenses can be found at [www.lrc.ky.gov/KRS/508-00/CHAPTER.htm](http://www.lrc.ky.gov/KRS/508-00/CHAPTER.htm).

Students who believe they are a victim of the felony offenses outlined in Chapter 508 or misdemeanor harassment, harassing communications, bullying, or hazing offenses as outlined in the code of conduct, should make a verbal or written report to any teacher or administrator in their school.

Section One of KRS 158.156 states that any employee of a school or local board of education who has reasonable cause to believe that a student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately make an oral or written report to the principal of the school attended by the victim. After receiving the initial report and determining that it is a reportable incident, the principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. If the principal determines there is a reportable incident, he/she shall file a written report within forty-eight (48) hours of the original report. The written report will be filed with the local Board of Education (through the superintendent), and to one of the following: the local law enforcement agency; state police; or county attorney.

Also, KRS 158.156 states that anyone acting upon reasonable cause in the making of a report required under this section in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. In addition, a student shall not retaliate against another student because s/he reports a violation of the code or assists or participates in any investigation, proceeding, or hearing regarding the violation. Advising students of the ramifications of violating this section will be included in investigative proceedings by the principal or designee(s). Students who believe they have been retaliated against should report this to the administration of their school.

Disciplinary action will be taken against anyone who retaliates against a person filing a complaint. This action may include but not be limited to placement in alternative classroom, suspension, New Beginnings placement, or expulsion.

Students, parents, and legal guardians will be informed of the requirements of HB 91 through the district code of conduct. The requirements and procedures of HB 91 will also be posted to the district website ([www.livingston.kyschools.us](http://www.livingston.kyschools.us)). School employees will be informed and receive annual training on their responsibilities outlined in this law.

Students who violate this code shall be subject to appropriate action through the legal system, as well as school disciplinary action which may include but not be limited to placement in alternative classroom, suspension, New Beginnings placement, or expulsion.

Revisions have been made to KRS 525.070 (related to HB 91) to more clearly define harassment. A person is guilty of harassment when with the intent to intimidate, harass, annoy or alarm another person he or she: a) strikes, shoves, kicks, or otherwise subjects him to physical contact; or b) attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or c) in a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or d) follows a person in or about a public place or places; or e) engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or f) being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event: 1) damages or commits a theft of the property of another student; 2) substantially disrupts the operation of the school; or 3) creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment. Harassment as defined in this section is a Class B misdemeanor. Livingston County Board of Education Policy 09.42811 states, students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator.

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

KRS 525.080 defining harassing communications. This states that a person is guilty of harassing communications when with intent to intimidate, harass, annoy, or alarm another person he or she: a) communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; or b) makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or c) communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication. Harassing communications is a Class B misdemeanor. This could also include any harassing communication that takes place away from school property if the behavior manifests itself at school and if the educational process is disrupted, the school administration shall pursue appropriate action through their Codes of Acceptable Behavior and Discipline. The school administration also has the option to pursue action through the local law enforcement, state police, and/or the county attorney.



## BULLYING/HAZING

Hazing, bullying, menacing, or abuse of students or staff members will not be tolerated. Any student or employee who engages in an act that injures, degrades, or disgraces another student or staff member, disrupts the educational process, or interferes with a student's opportunity to obtain an education shall be subject to appropriate disciplinary action.

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

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

This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods.

Bullying means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:

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

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

Examples of unwanted verbal, physical or social behaviors that may be defined as bullying include, but are not limited to: (as taken from stopbullying.gov)

- Verbal Bullying – teasing; name-calling; inappropriate sexual comments; taunting, threatening to cause harm
- Social Bullying – leaving someone out on purpose; telling other students not to be friends with someone; spreading rumors about someone; embarrassing someone in public
- Physical Bullying – hitting, kicking, or pinching; spitting; tripping or pushing; taking or breaking someone's things; making mean or rude hand gestures

When assessing whether an action constitutes bullying the "reasonable person" standard will be used - was the alleged bullying incident a behavior that a reasonable person would understand to be threatening, intimidating, harassing, humiliating, embarrassing or taunting in its nature.

Hazing refers to an initiation process that may involve the intent to harass, annoy, threaten or alarm a student or groups of students. Students who believe they are a victim of bullying, or hazing offenses as outlined in the code of conduct, should make a verbal or written report to any teacher or administrator in their school. Students and/or parents may also utilize the Safety Tipline, Online Prevention (S.T.O.P.) method available on the district website for reporting such instances. Please be advised that the STOP Tipline should not be used for an immediate response.

Bullying violations of a minor nature, as determined by the school administrator in accordance with school discipline policy, may choose from a variety of response options to include, but not be limited to: verbal warning, teacher-student conference, behavioral contract, notification of parents, loss of privileges, detention, alternative assignment, referral for counseling/mediation and other methods established by council policy. For repeated or more serious violations, administrators may also use these options: suspension, petition to juvenile court, referral to court-designated worker, referral to police, alternative school and expulsion

## REPORTING OF CODE VIOLATIONS

Students wishing to report bullying, harassment, discrimination or other violation of the Code of Conduct may report it to a classroom teacher, who shall take appropriate action as defined by the code. The teacher shall refer the report to the Principal/designee for further action when the report involves an offense that may warrant suspension or expulsion of a student, any felony offense, or a report that may be required by law, including reports to law enforcement.

### RETALIATION PROHIBITED

Employees and other students shall not retaliate against a student because s/he reports bullying or other violation of the code or assists or participates in any investigation, proceeding, or hearing regarding the violation. The Superintendent/designee shall take measures needed to protect students from such retaliation.

## CONSEQUENCES OF CODE VIOLATIONS

All students are encouraged and expected to develop responsibility. Though we will do our best to teach students how to assume responsibility, we recognize that there are special cases where a disability will require that adaptations be made and additional training be provided. Students with disabilities will be assisted by appropriate staff to meet the expectations of the student's Individual Education Plan (IEP). Discipline procedures for students with disabilities will be delineated in their individualized behavior management plans. State and federal law requires special consideration and possible designation of alternative consequences when dealing with behavior and disciplinary issues involving students with disabilities.

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:

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

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

- Suspension
- Petition to Juvenile Court
- Referral to court-designated worker
- Referral to police
- Alternative school
- Expulsion

## 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 or his property, including an automobile, 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 09.436. 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 when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. In such situations, staff who have not had core team training may physically restrain students, but shall summon core trained school personnel as soon as possible. Core trained personnel will respond as defined under board policy 09.2212 and subject to 704 KAR 7:160. A copy of Policy 09.2212 Use of Physical Restraint and Seclusion, along with the related procedures, may be accessed at the Central Office and online <http://policy.ksba.org/L09/> The Livingston County Board of Education does not permit the use of corporal punishment.

## REPORTS TO LAW ENFORCEMENT OFFICIALS

Incidents that are deemed violations of the law will be reported to law enforcement officials. Violations on school property or at a school-sponsored function requiring a report to law enforcement officials include, but are not limited to:

- 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
- Damage to school property
- Threats directed toward individuals or property

## WEAPONS

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

Both Board policy 05.48 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 firearm or other deadly weapon, destructive device, or booby trap device to school or onto the school campus/property under jurisdiction of the District, shall be expulsion for a minimum of twelve (12) months. (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.

## SUSPENSION, EXPULSION & DUE PROCESS

For certain violations, administrators, such as the superintendent and principal, may remove (suspend) a student from school. 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 from students and shall include:

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

A report of the suspension shall be made to the Superintendent and to the parent/guardian 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. 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 student shall not be taken until the parent of the student has had an opportunity for a hearing before the Board.

## GRIEVANCES

Any student or parent/guardian who wishes to express an educational concern or grievance shall observe the following order of appeal:

- Teacher
- Principal
- School council, where appropriate and within ten (10) working days of the council decision
- Superintendent
- Board

The order of appeal shall not be construed to mean that students are not free to confer with the Superintendent or Board whenever they so wish. However, if the grievance concerns discipline of an individual student, the Board may, on a case-by-case basis, determine if it will hear the grievance based on whether the facts presented in the written grievance fall within its discretion or authority. If there is a question as to whether the grievance is within the Board's discretion or authority, the Board will consult with legal counsel.

Grievance procedures shall address, but not be limited to, the conditions for filing a grievance, time limitations for the filing and the appeal of a grievance, and a process for the orderly review and appeal of each individual grievance.

Information on filing a formal complaint or grievance is available at each school, at the Central Office and also in the online policy manual found under the board of education link at [www.livingston.kyschools.us](http://www.livingston.kyschools.us).

## NOTIFICATION OF PPRA RIGHTS

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

- ◆ Consent before minor students are required to submit to a survey, analysis, or evaluation that concerns one (1) or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education:
  1. Political affiliations or beliefs of the student or student's parent;
  2. Mental or psychological problems of the student or student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships such as with lawyers, physicians, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or the student's parents; or
  8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
- ◆ Receive notice and an opportunity to opt a student out of:
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student (except for any physical exam or screening permitted or required under state law); and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. NOTE: If the parent/eligible student has indicated no directory information is to be provided to third parties or if the marketing activity involves provision of social security numbers, consent form 09.14 AP.122 should be used.
- ◆ Inspect, upon request and before administration or use:
  1. Protected information surveys to be used with students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.

The District shall annually provide parents and eligible students notice of these rights under law in the Student Handbook, the District *Code of Conduct*, or other avenue designated by the Superintendent/designee.

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

*Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, D. C. 20202-8520*

## NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY & SECONDARY SCHOOLS

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

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

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

(2) The right to inspect and review logs documenting disclosures of the student's education records.

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

(3) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or in violation of the student's privacy rights or other rights

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of privacy or other rights. They should write the School principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(4) The right to provide written consent prior to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

Exceptions that permit disclosure without consent include:

a. Disclosure to school officials with legitimate educational interests. A “school official” is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a volunteer, or an outside person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility to the District. This may include contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions.

b. Upon request, disclosure of education records without parent/eligible student notice or consent to officials of another school district or post-secondary institution in which a student seeks or intends to enroll or is already enrolled or to other entities authorized by law so long as the disclosure is for purposes related to the student's enrollment or transfer.

c. Disclosure of information to those whose knowledge of such information is necessary to respond to an actual, impending, or imminent articulable and significant health/safety threat.

d. Disclosure to state and local educational authorities and accrediting organizations, subject to requirements of FERPA regulations.

Designated Kentucky State agencies may be permitted access to student record information, which will depend on the authority granted to their particular agency.

(5) The right to notify the District in writing to withhold information the Board has designated as directory information as listed in the annual directory information notice the District provides to parents/eligible students.

To exercise this right, parents/eligible students shall notify the District by the deadline designated by the District.

(6) The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U.S. Armed Forces and its service academies, the Kentucky Air National Guard, the Kentucky Army National Guard and institutions of higher education.

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

(7) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)  
STUDENT DIRECTORY INFORMATION NOTIFICATION**

Consistent with the Family Educational Rights and Privacy Act (FERPA), parents (or students 18 or older) may direct the District not to disclose directory information listed below. We are required to disclose a student's name, address, and telephone listing at the request of Armed Forces recruiters or institutions of higher education, unless a parent or student who has reached age 18, requests that this information *not* be disclosed. Information about the living situation of a homeless student is not considered directory information.

Dear Parent/Eligible Student,

\_\_\_\_\_ *Date*

This letter informs you of your right to direct the District to withhold release of student directory information for

\_\_\_\_\_  
*Student's Name*

Following is a list of items that the District considers student directory information. If you wish information to be withheld, please choose one (1) of the two (2) options below in both Sections I and II. Choose Option 1 if the District may not release any item of directory information; Option 2, if the District may release only selected items of information. Then check those items that may be released. Please be advised that parents cannot prevent the school from using directory information on District-issued ID cards or badges.

*If we receive no response within thirty (30) days of the date of this letter, all student directory information will be subject to release without your consent.* If you return this signed form on time, we will withhold the directory information consistent with your written directions, unless disclosure is otherwise required or permitted by law. Once there has been an opt-out of directory information disclosure, the District will continue to honor that opt-out until the parent or the eligible student rescinds it, even after the student is no longer in attendance.

<i>Student Directory Information Listing</i>	
<p align="center"><b>Section I</b></p> <p align="center"><b>Release to Third Parties other than Armed Forces Recruiters and Institutions of Higher Education</b></p> <p>(Parent or student who has reached age 18 may sign below to direct the District to withhold information in this section.)</p>	<p align="center"><b>Section II</b></p> <p align="center"><b>Armed Forces Recruiters &amp; Institutions of Higher Education</b></p> <p>(Parent or student who has reached age 18 may sign below to direct the District to withhold information in this section.)</p>
<p><i>Choose one of the Options below:</i></p> <p><input type="checkbox"/> <b>Option 1:</b> The District <b>MAY NOT RELEASE ANY</b> information listed below.</p> <p><input type="checkbox"/> <b>Option 2:</b> The District <b>MAY RELEASE ONLY</b> the information checked below.</p>	
<p><i>If you choose Option 2, check the item(s) of information listed below that the District may release.</i></p>	
<p><input type="checkbox"/> Student's name</p> <p><input type="checkbox"/> Student's address</p> <p><input type="checkbox"/> Student's school email address</p> <p><input type="checkbox"/> Student's telephone number</p> <p><input type="checkbox"/> Student's date of birth</p> <p><input type="checkbox"/> Student's major field of study</p> <p><input type="checkbox"/> Information about the student's participation in officially recognized activities and sports</p>	<p><input type="checkbox"/> Student's weight and height (if a member of an athletic team)</p> <p><input type="checkbox"/> Student's dates of attendance</p> <p><input type="checkbox"/> Degrees, honors and awards the student has received</p> <p><input type="checkbox"/> Student's photograph/picture</p> <p><input type="checkbox"/> Most recent educational institution attended by the student</p> <p><input type="checkbox"/> Grade level</p>
<p><input type="checkbox"/> Student's name</p> <p><input type="checkbox"/> Student's address</p> <p><input type="checkbox"/> Student's telephone number (if listed)</p>	

**NOTE: IF DIRECTED TO WITHHOLD A STUDENT'S NAME, GRADE LEVEL, OR PHOTOGRAPH, THAT INFORMATION WILL NOT BE INCLUDED IN ANY SCHOOL OR DISTRICT PUBLICATION RELEASED TO THE PUBLIC. A PARENT WISHING TO PERMIT SUCH INFORMATION ABOUT HIS/HER CHILD (NAME, PICTURE, ETC.) TO BE INCLUDED IN A SCHOOL OR DISTRICT PUBLICATION (YEARBOOK, SPORTS PROGRAM, ETC.) THAT IS SOLD FOR FUND-RAISING PURPOSES MUST PROVIDE WRITTEN CONSENT FOR SUCH PURPOSES.**

\_\_\_\_\_  
*Parent/ Student Signature*

\_\_\_\_\_  
*Date*

## Child Find for Children with Disabilities in Need of Special Education or 504 Services

### Child Find

The Livingston County School District keeps educational records in a secure location in each school and Board office.

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

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

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

Children eligible for 504 services include those children in a public elementary and secondary education program who have a current physical or mental impairment that currently substantially limits some major life activity which causes the student's ability to access the school environment or school activities to be substantially limited.

Children eligible for the State-Funded Preschool program include three- and four-year-old children identified with disabilities and four-year-old children who are at-risk, as defined by federal poverty levels up to 150%. Preschool children eligible for special education must have an Individual Education Plan (IEP) instead of a 504 plan to receive State-Funded Preschool program services.

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

The district's "*Child Find*" system includes children with disabilities attending private or home schools within the school district boundaries who may need special education services.

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

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

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

If you know of a child who lives within the boundaries of the Livingston County School District, who may have a disability, and may need but is not receiving Special Education or 504 services, please call 270-928-2111 or send the information to:

Pam Garrett, Director of Special Education/ Section 504 Coordinator  
Livingston County Schools  
127 East Adair Street/P.O. Box 219, Smithland, KY 42081  
Ph. 270-928-2111/270-928-3604

If you know of a child who attends a private or home school within the boundaries of the Livingston County School District, who may have a disability, and may need but is not receiving Special Education services, please call 270-928-2111/270-928-3604 or send the information to:

Pam Garrett, Director of Special Education/ Section 504 Coordinator  
Livingston County Schools  
127 East Adair Street/P.O. Box 219, Smithland, KY 42081  
Ph. 270-928-2111/270-928-3604

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

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

Amy Ramage, Director of Pupil Personnel  
Livingston County Schools  
127 East Adair Street/P.O. Box 219, Smithland, KY 42081  
Ph. 270-928-2111

The District office is open Monday through Friday, from 7:30 a.m. to 4:00 p.m.

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

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

A committee representing schools, the Central Office and the Board of Education developed this code. The Attorney for the Board of Education has reviewed the Code and the Board of Education adopted it on July 10, 2000.

A copy of the Code will be posted on the district website at [www.livingston.kyschools.us](http://www.livingston.kyschools.us) for review by all students and employees of the district and to parents of students, including those who enroll after the beginning of the school year. Hard copies will be made available upon request. The Superintendent has directed that the Code be available at each school and that each principal be responsible for seeing that school staffs 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.

Each year, the Code will be reviewed and revised in preparation for the coming school year. Suggestions are welcomed as to how to improve this document. Individuals should send written comments to the contact person listed on the front cover by April 15.

The Code of Conduct was reviewed and revisions adopted by the Livingston County Board of Education on July 9<sup>th</sup>, 2018.