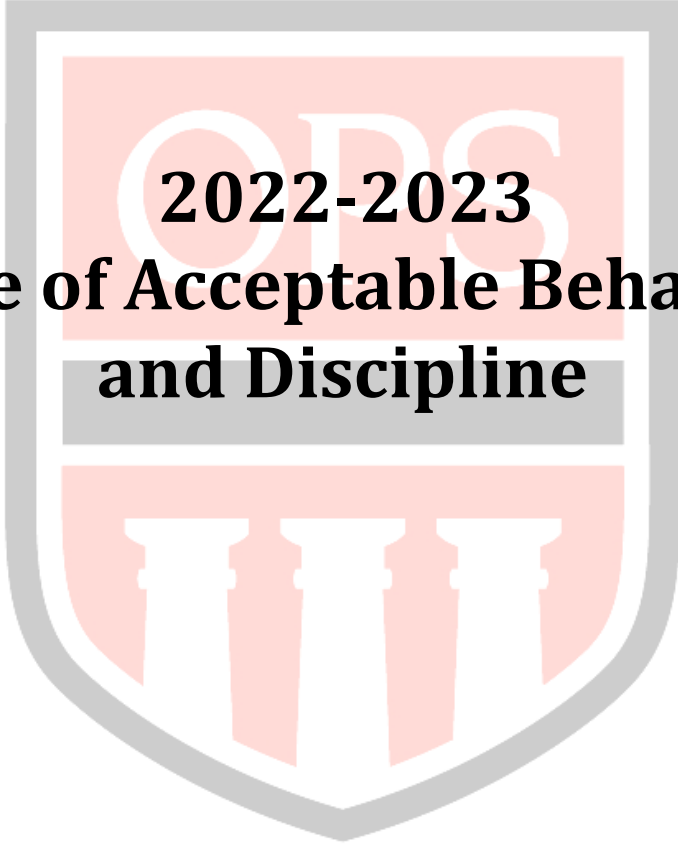


Owensboro Public Schools

A Tradition of Excellence since 1871



2022-2023 Code of Acceptable Behavior and Discipline

Owensboro Public Schools
Board of Education
450 Griffith Ave.
Owensboro, Kentucky 42301

Child Abuse Hotline

877-597-2331

KRS 156.095

The Board of Education does not discriminate on the basis of race, color, national origin, age, religion, sex, genetic information, or disability in employment, educational programs, or activities. The following person has been designated to handle inquiries regarding the non-discrimination policies: Dr. Matthew Constant, Superintendent, Owensboro Public Schools, 450 Griffith Ave., Owensboro, Kentucky 42301. Phone: (270) 686-1000.

Superintendent's Message

The Owensboro Public School District strives to provide a safe and orderly learning environment for its students. We understand that discipline is a key component to a positive, successful learning environment. Accordingly, we hold high expectations for student behavior and we encourage and expect students to demonstrate responsibility and appropriate behavior at all times.

The *District Code of Acceptable Behavior and Discipline* describes standards of conduct important to the safety of both learning and community life in our schools. When students come together, their individual rights become limited because of the need for the mutual safety of everyone. This includes the responsibilities for following rules and respecting the authority of school staff members whose jobs are to ensure a successful education for all students.

The district expects that all personnel connected with the Owensboro Public Schools, in cooperation with the home, will strive to help the individual student adapt to the standards of our *Code*. Our goal is for students to develop the self-control and self-discipline necessary to become successful citizens.

Every student and parent/guardian should take the time to review this *Code* in detail. Students and parents/guardians, **once you have read this handbook, please sign the *Acknowledgment of Receipt* form and return it to school. This response will signify that you are knowledgeable of the *Code's* contents. If you have questions or concerns about the disciplinary process or any components of the *Code*, please contact your principal.**

We truly appreciate your cooperation in helping us build a successful and respectful learning community in the Owensboro Public Schools.

Dr. Matthew Constant
Superintendent

Child Abuse Hotline

877-597-2331

KRS 156.095

OPS School Board Members

Mrs. Melissa Decker, Chair
Mr. Michael Johnson, Vice Chair
Mrs. Leigh Doyal
Mr. Jeremy Edge
Dr. Jeremy Lockett

Please return this form to your child's teacher/school.

Owensboro Public Schools
Owensboro, Kentucky
2022-23

Student's name

School

ACKNOWLEDGMENT OF RECEIPT OF
Code of Acceptable Behavior and Discipline

As the parent/guardian of _____
I have read and discussed the *Code of Acceptable Behavior and Discipline*
with my child and all the policies therein, including the *OPS Technology*
Acceptable Use Policy and OPS Laptop Acceptable Use Policy.

Parent's/Guardian's Signature Date

Parent's/Guardian's Signature Date

Student's Signature Date



2022-2023

DIRECTORY INFORMATION OPT-OUT FORM

The District has designated the following student information as “directory information:”

- Names, addresses, and telephone numbers, and school email address
- Birthdates and places of birth
- Grade level, dates of attendance, major field of study, and most recent educational institution attended
- Degrees and awards received, honors and recognitions
- Participation in officially recognized activities and sports
- Weight and height of athletic team members
- Photographic, video, or electronic images taken and maintained by the District (specifically excluding surveillance video and any other electronic images which may contain confidential information relating to a student) * **

Video and other electronic images of students taken and maintained by the District at events which parents and/or the public are invited to attend (This specifically excludes surveillance video and any other electronic images which may contain confidential information relating to a student) * **Any eligible student (18 years of age or older) or parent/guardian who **does not wish to have directory information released shall contact OPS Public Information Officer Jared Revlett at the Owensboro Board of Education by email jared.revlett@owensboro.kyschools.us or by phone (270) 686-1000.** He will give you an OPT Out form that must be completed and returned to him by **Friday, September 9, 2022.**

*Photos and videos, as defined above, may be placed in the yearbook, released to the media, or used in OPS school, media publications and OPS website.

**Photos or videos, as defined above, of students may also be published on District-approved teacher websites, blogs, or social networking sites designed to promote communication with students, parents, and the community or for the purpose of supplementing classroom instruction.

Military Recruiter Opt-Out Form For High School Students Only

If you **do not** want the student’s name, address, and telephone number released to **military recruiters, the student (regardless of age) or parent/guardian must request a form from OPS Public Information Officer Jared Revlett and return it to Central Office by September 9, 2022.**

Owensboro Public Schools Philosophy

The Owensboro Public Schools believes discipline in the schools is essential to providing a safe environment for learning. The handbook describes standards of conduct important to the safety of both learning and community life in our schools.

The district expects that all personnel connected with the educational setting, in cooperation with the home, will strive to help the individual student adapt to these codes.

The handbook is an integral component in the educational process and a symbol of the commitment of all OPS stakeholders.

The Owensboro Board of Education approved on Thursday, February 10, 2022

Board Order #

#122.2022

Certification and Approval

I, Dr. Matthew Constant, Interim Superintendent of the Owensboro Public Schools, hereby certify that the *District Code of Acceptable Behavior & Discipline* was reviewed by legal counsel and found in compliance with all federal, state and local laws, rules and regulations.

Matthew Constant

Dr. Matthew Constant, Superintendent

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INTRODUCTION

The Owensboro Public School District is committed to providing quality education for all students. We believe a safe and orderly environment must be maintained for all students. Our *Statement on Rights and Responsibilities and Code of Acceptable Behavior and Discipline* is intended to enhance our continued efforts toward achieving those ends.

Students enrolled in the Owensboro Public Schools have the responsibility to observe and respect the rights of all others. The United States Supreme Court has held that a student may not be denied the opportunity to receive a public education without just cause established through due process of law. Responsible observance of others' rights requires behavior that does not threaten, interfere with, or deprive any others of educational opportunities.

The *Code* may be amended by the Owensboro Board of Education at any time. Standard procedures relating to policy changes of the Board of Education shall apply to amendments to the *Code*. Proposed amendments may be submitted by Board members, the superintendent, principals, faculty, students, and parents. If a conflict exists between the *Code* and adopted policies and procedures of the Board of Education, the policies and procedures shall govern.

Each Principal shall give a yearly orientation to this *Code* for parents, teachers, staff, and students. In giving the orientation, provisions for effectively communicating with disabled and non-English speaking students shall be established and used. Issues, concerns, or questions relating to the *Code* may be directed to the school principal.

The Kentucky Education Reform Act provides for school-based decision making. As a part of school-based decision making, school councils are required to adopt policies to be implemented by the principal. Students and parents are advised that schools currently engaged in school-based decision making will have specific policies dealing with selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal. However, a SBDM council's discipline policies must fall within the minimum and maximum parameters set out in this *Code*.

The *Student Code of Conduct* is established as a systematic guide to be referenced and applied in managing the students' conduct. The application of the *Code* to matters of student behavior is not limited to school buildings and grounds or to times when the student is in route to or from school, but extends to any activity that is school-related or school sponsored, either on or off the school campus. The *Code* also applies to behavior occurring off school grounds that threatens the safety and well-being of students or staff and directly affects the school's ability to ensure a safe learning environment for all students. It is not an all-encompassing document and occasionally may not address issues resulting from unusual circumstances. The prudent judgment and discretion of administrators shall prevail in such instances.

Annual Orientation Process

Students receive an annual orientation during the first week of school. Those entering late receive an orientation from the school's administrator or his/her classroom teacher.

Discrimination Policy

The Owensboro Public School District does not discriminate on the basis of race, color, national origin, sex, disability, age,

religion, genetic information or marital status in providing educational opportunities, activities, or employment practices in accordance with Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (revised 1992), and the Americans with Disabilities Act of 1990 and provide upon request by qualified disabled individuals reasonable accommodations including auxiliary aids and services necessary to afford individuals with a disability an equal opportunity to participate. For more information, contact Dr. Matthew Constant, Superintendent of the Owensboro Public School System located at 450 Griffith Ave., Owensboro, KY 42301 or phone (270) 686-1000.

On request, the principal shall provide assistance for non-English speaking, blind, deaf or non-reading students and parents so they have access to the information contained in the *Code*.

Questions or Concerns

If you have any questions or concerns about the information contained in this *Code*, please contact the Director of Pupil Personnel. You may also write to Owensboro Public Schools at 450 Griffith Ave., Owensboro, KY. 42301.

A copy of the *Code of Acceptable Behavior and Discipline* may be found at Owensboro Public School's web page under QUICK LINKS.

Local School Rules

The Owensboro Board of Education is responsible for formulating the *Code of Acceptable Behavior and Discipline* to apply to its students in each school. All schools shall provide a list of local school rules and in-school discipline measures consistent with the code as adopted by the Board. The school rules will be developed and adopted by the School Based Decision Making (SBDM) Council or by the principal, with help from staff, parents/guardians, and students in non-SBDM schools.

Medicaid

OPS is an approved provider of health services as defined by Medicaid.

STAKEHOLDER RIGHTS AND RESPONSIBILITIES

Responsibilities

A. **Students'** responsibilities are to:

- Be at school every day unless absence is excused.
- Bring notes from parents or physicians for excused absences.
- Be on time and prepared for school and classes.
- Sign in or out of school on entry/exit logs.
- Understand and obey school rules and follow the *Code of Acceptable Behavior and Discipline*.
- Complete class work and homework on time.
- Work to excel academically.
- Respect the rights and property of students and staff.
- Behave in a safe and responsible manner.
- Be respectful to others, avoiding profanity, insults, threats, and harassment.
- Follow the school dress code and use proper hygiene.

- Ask for help with problems from teachers or school staff.
- Practice good citizenship by being helpful and honest whenever there is a problem.
- Inform parents of disciplinary action. (If age appropriate.)
- Complete a questionnaire with signature, if 18 years or older and dropping out of school.

B. Parents’/guardians’ responsibilities are to:

- Stress the importance of an education with your child.
- Keep the school up-to-date on telephone numbers and address changes, medical problems, and family or social problems that may affect school performance.
- Notify the school on the day your child is absent.
- Send your child to school on time every day.
- Send notes to school for excused absences.
- Make sure your child has time, space, materials, and help for homework.
- Be involved in what goes on in school and attend parent-teacher conferences.
- Support the school’s discipline measures and assist the school with discipline when needed.
- Keep up-to-date with your child’s progress. Review, sign, and return progress reports and report cards.
- Review the *Code of Acceptable Behavior and Discipline*, the Student Bill of Rights, and school rules with your child.
- Provide, upon enrollment, a sworn statement or an official form when a student has been adjudicated guilty/expelled for an offense involving weapons, alcohol, or drugs.
- Complete a questionnaire with signature when a child who is 18 drops out of school.
- Make sure your child has current immunizations and required medical exams.
- Ensure your child dresses appropriately, follows the school dress code, and practices good hygiene.
- Expect your child to be responsible, respectful, and to behave appropriately in school.
- Pay required fees and fines (unless on fee waiver).

C. Staff members’ responsibilities are to:

- Keep accurate records of grades, attendance, and behavior.
- Maintain entry/exit logs for students who are not present for the entire instructional day.
- Engage each student in the educational process to promote appropriate behavior.
- Contact the parent/guardian early about problems with attendance, behavior, or academics.
- Make class work and homework appropriate and directions clear.
- Create a classroom environment where students can ask for help and feel safe and respected.
- Help students understand class and school rules and the *Code of Acceptable Behavior and Discipline*.

- Inform building administrator of acts of student behavior that are disruptive to the educational process or present a threat of harm to others or self.
- Assist the parent/guardian in finding help with health and social problems.
- Seek training and education that lead to safe and successful schools.
- Use fair and consistent discipline to teach students responsible behavior.
- Set high expectations for student behavior and academics and help students reach their goals.

D. Principals’/designated administrators’

responsibilities are to:

- Create an atmosphere of mutual respect and consideration among pupils and staff members.
- Administer discipline fairly and equally.
- Exhibit exemplary behavior in action, dress, and speech.
- Implement and evaluate all aspects of the educational program to improve learning and to comply with the policies, regulations, procedures, or laws of the district, state, and nation.
- Discipline any student whose conduct disrupts the educational process.
- Establish appropriate disciplinary record-keeping procedures that insure possible review and provide documentation for due process appeals.
- Develop a positive school environment to provide the proper learning atmosphere.

Rights

A. Students have the right to:

- A public education. Kentucky law states a child between the ages of 5 and 21 years has a right to an education.
- Freedom of expression, including, but not limited to appearance, assembly, association, and circulation of petitions and literature as prescribed by school councils.
- A timely notice of all rules, regulations, policies, and penalties, to which they may be subject.
- Participate in decision-making procedures directly affecting students.
- Physical safety, protection, freedom from abuse or threat of abuse by anyone.
- Consultation with staff, counselors, and administrators.
- Receive academic grades based only on academic performance.
- Examine their personal school records or allow their parent/guardian or authorized representative to examine the records.
- Confidentiality of school records and release only to another school in which the student has enrolled in response to a subpoena or judicial order, upon written authorization of his/her parent/guardian, or the eligible student except in the case of directory information.

- Participate in school activities without discrimination on the basis of race, sex, religion, or national origin.
 - Respect from other students and school personnel.
 - Present complaints or grievances to school staff and administration and receive a timely response.
- B. **Parents/Guardians** have the right to:
- Enroll students in the Kentucky school district where they shall attend classes regularly and promptly with minimum interruptions.
 - Send their child to a school with an environment where learning is valued.
 - Expect classroom disruptions to be dealt with fairly, firmly, and quickly.
 - Review the student's academic progress and other pertinent information that may be contained in the student's personal records.
 - Ask questions concerning their child to the proper authority and receive a reply in a reasonable length of time.
- C. **Staff** has the right to:
- The support of co-workers, administrators, and parents.
 - Work in an educational environment with a minimum of disruptions.
 - Expect assignments, including homework, to be completed and turned in as assigned.
 - Remove any student from class whose behavior significantly disrupts the positive learning environment.
 - Be safe from physical harm and freedom from verbal abuse.
 - Provide input to aid the formulation of policies that relate to their relationships with students and school personnel.
 - Take necessary action, in an emergency, to protect his or her own person or property or the persons or property of those in their care.
- D. **Principals/administrators** have the right to:
- The support of students, parents, and staff in carrying out the educational programs and policies established by the school system.
 - Provide input for the establishment of procedures and regulations that relate to the school.
 - Safety from physical harm and verbal abuse.
 - Take necessary action in emergencies to protect their own person or property or the persons or property of those in their care.
 - Discipline any student whose conduct disrupts the educational process.
 - Develop a positive school environment to provide the proper learning atmosphere.

CONDUCT PROHIBITED BY FEDERAL AND/OR STATE LAW AND/OR BOARD POLICY

Zero Tolerance

The Owensboro Public School District insists that its schools be safe and free of drugs. The district follows the guidelines in the Gun-Free Schools Act of 1994, the Safe and Drug-Free Schools and Communities Act of 1994, and the Drug-Free Workplace Act of 1988. Every student and staff member has the right to respectful treatment and freedom from harassment and abuse. In order to achieve this, OPS has established a zero-tolerance approach to student discipline. This means that when students break rules, they are provided with clear directives and strict consequences. To ensure safe schools, the OPS District takes necessary action to discover drugs and weapons in schools. A search of school lockers, parking lots, and all other school property may be conducted by school officials and the Police Canine Team. The searches may be random and unannounced. The schools also will exercise the right to search a student whenever there is a reasonable suspicion that the student is in possession of something that violates school rules or endangers others.

Possession of Weapons (Policy 5.48)

Except where expressly and specifically permitted by Kentucky Revised Statute, the carrying, bringing, using, or possessing any weapon or dangerous instrument, as defined in KRS 500.080 (3), in any school building, on school grounds, in any school vehicle or at any school sponsored activity is prohibited.

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

The penalty for students possessing a firearm at school or bringing a firearm or other deadly weapon, destructive device, or booby trap device¹ to school or onto the school campus/property under jurisdiction of the District shall be expulsion for a minimum of twelve (12) months under Policy 09.435. However, the Board may modify such expulsions on a case by case basis. Any case-by-case modification of the one (1)-year expulsion requirement, including those made for students with disabilities to meet the requirements of IDEA and Section 504, shall be in writing and may be based upon a recommendation of the superintendent/designee.

Modifications may include, but not be limited to placement in an alternative educational setting. Such placement by the principal/ARC with prior approval of the superintendent/designee shall not exceed 45 school days for students with disabilities. The District may also seek a court order to remove a dangerous student and the placement may be changed by the appropriate admissions and release committees in accordance with due process procedures.

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

Although students are subject to disciplinary action for violating any restriction in this policy, the twelve (12) month expulsion penalty mandated by the Federal Gun-Free Schools Act does not apply to a firearm lawfully stored in a locked vehicle on school property.

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event. For state reporting purposes, a deadly weapon shall be defined as:

1. A weapon of mass destruction;
2. Any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged;
3. Any knife other than an ordinary pocket knife or hunting knife;
4. Billy, nightstick or club;
5. Blackjack or slapjack;
6. Nunchaku karate sticks;
7. Shuriken or death star; or
8. Artificial knuckles made from metal, plastic, or other similar hard material.

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

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

Harassment/Discrimination (Policy 9.42811)

Harassment/Discrimination due to an individual's race, color, national origin, age, religion, marital status, sex, or disability is prohibited at all times on school property, off school grounds during school-sponsored activities, or in route to or from school or a school-sponsored activity. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

Harassment/Discrimination is intimidation by threats of actual physical violence; the creation, by whatever means, of a climate of hostility, or intimidation, or the use of language, conduct, or symbols in such a manner as to be commonly understood to convey hatred, contempt or prejudice or to have the effect of insulting or stigmatizing an individual.

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

1. any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;

2. unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. instances involving sexual violence;
4. causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
5. implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
7. destroying or damaging an individual's property based on any of the protected categories

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

Students who believe they or any other student, employee, or visitor is being subjected to harassment/discrimination shall, as soon as reasonably practicable, report it to a school counselor, an assistant principal, or the principal. In serious instances of peer-to-peer bullying/harassment, these employees must report it the principal.

Otherwise reports of harassment/discrimination may be made directly to the Superintendent/designee.

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

Upon the resolution of allegations, steps shall be taken if necessary to protect students against retaliation.

Bullying/Hazing (Policy 9.422)

BULLYING DEFINED (CONSEQUENCES LISTED ON PAGE 20)

Bullying refers to any intentional or 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. Or, an act by a student or groups of students directed against another student to ridicule, humiliate, or intimidate the other student while on school grounds, at a school sponsored activity, or in route to or from school or a school-sponsored activity, which acts are repeated against the same student over time.

The use of lewd, profane, or vulgar language is prohibited. In addition, students shall not engage in such behaviors as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or making threats. This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods (otherwise known as cyber bullying). Such behavior is disruptive to the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered. These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise

materially or substantially disrupt the education process or intrude upon the rights of others.

Students who violate this policy shall be subject disciplinary action, including but not limited to suspension, alternative school placement, and expulsion.

Students who believe they have been a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it to a school counselor, an assistant principal, or the principal. In serious instances of peer-to-peer bullying/harassment, these employees must report it the principal.

Assaults and Threats of Violence (Policy 9.425)

No student shall threaten, assault, batter, or physically or verbally abuse school personnel or another student. Violations of this policy shall constitute reason for disciplinary action, up to and including suspension, alternative school placement, or expulsion.

Alcohol, Drugs, and Other Prohibited Substances (Policy 9.423)

No student shall attempt to or actually purchase, possess, use, be under the influence of, sell, or transfer any of the following on school property, at any location of a school-sponsored activity, or in route to or from school or a school-sponsored activity: Alcoholic beverages, controlled substances, prohibited drugs and substances, drug paraphernalia, and any substances that "look like" a controlled substance or prohibited drug or substance.

"Controlled substances" are any substance listed in KRS 218A or any other substance added by the Kentucky Cabinet for Health & Human Services pursuant to KRS 218A.020. "Prohibited substances" include, but are not limited to, any substance that an individual may not sell, possess, use, distribute, or purchase under state or federal law, including all prescription drugs obtained without a prescription, and prescribed or over-the-counter drugs, prohibited volatile substances, or synthetic compounds/substances that are used or intended for us for an abusive and/or intoxicating purpose.

The possession or use of a drug authorized by and administered in accordance with a prescription is not considered a violation of this policy. The distribution or sale of such medication, however, is considered a violation of this policy. Violations of this policy shall constitute reason for disciplinary action, up to and including suspension, alternative school placement, or expulsion. A violation of this policy could also result in suspension or dismissal from athletic teams and/or school-sponsored activities.

Tobacco (Policy 9.4232)

Students shall not be permitted to use or possess any tobacco product and/or electronic cigarettes* on property owned or operated by the Board, inside Board-owned vehicles, on the way to and from school, or during school-sponsored trips or activities. Tobacco products include, but are not limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, and snuff.

CONSEQUENCES

Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the local code of acceptable behavior and discipline. Students under the age of eighteen (18) may be issued a juvenile complaint or a uniform citation by a law enforcement officer for using or possessing a tobacco product.

*Electronic or E-cigarette means any electronic oral device, such as one composed of a heating element, battery, or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. "E-cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, or under any other product name or descriptor. This includes the Juul vaping device which resembles a flash drive and can be charged in a laptop USB port.

Consequences for Violations of Possession

- 1st Violation---Required parent conference
- 2nd Violation---Assignment to Alternative Placement (3-day)
- 3rd Violation--- Assignment to Alternative Placement (7-day)
- 4th Violation---Out of school suspension
- 5th + Violation---Refer to a hearing with the Director of Pupil Personnel for more serious disciplinary actions

Consequences for Violations of Use

- 1st Violation---Assignment to Alternative Placement
- 2nd Violation---Out of school suspension
- 3rd Violation--- Refer to a hearing with the Director of Pupil Personnel for more serious disciplinary actions

Disrupting the Educational Process (Policy 9.426)

Behavior that materially or substantially disrupts the educational process, whether on school property or at school-sponsored events or activities, is prohibited. Behavior which disrupts the educational process includes, but is not limited to:

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

Telecommunication and Recording Devices (Policy 9.4261)

Students shall be permitted to possess telecommunication devices and other related electronic devices while on school property or while attending school-sponsored or school-related activities whether on or off school property.

Each school shall develop rules concerning the permissible use of these devices during the school day. Students are responsible for keeping up with the devices they bring to school. The District shall not be responsible for the loss, theft, or destruction of devices brought onto school property.

Students shall comply with all school rules governing the permissible use of these devices during the school day.

Telecommunications 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 the confidentiality or privacy rights of another individual;
- Is profane, indecent, or obscene;
- Constitutes or promotes sending, receiving, accessing, sharing, possessing, or duplicating material that is pornographic, threatening, or harassing; or
- Constitutes or promotes illegal activity or activity in violation of classroom, school, or District rules, including the District Acceptable Use Policy, or Board Policy.

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.

Students who violate this policy shall be subject to appropriate disciplinary action as set forth in the student *Code of Acceptable Behavior and Discipline*. Such disciplinary actions may include, but are not limited to, the confiscation of the device by an administrator (which shall only be returned to a parent/guardian) and losing the privilege of bringing the device onto school property. A violation also may result in a report being made to law enforcement.

A student's telecommunications device may be searched by a school principal/designee, when he/she has reasonable suspicion that the device will reveal evidence that the student has violated or is violating a classroom rule, school rule, District rule, Board Policy, or the law. And to maintain the ongoing educational process, maintain order and/or protect people or property.

Audio/Video Recording Devices

- Students shall not be permitted to use any recording device unless the use is for an educational purpose and unless the student obtains prior approval from a school official.
- A recording device is any device that stores or records a moving or still image or stores or records sound, regardless of whether it does so by analog or digital means or otherwise, and regardless of whether the audio or video recording feature is combined with another device that students are permitted to possess. This definition includes video cameras, digital video cameras, digital video recorders, telephones with built-in audio or video recording or camera features, and any tape recording device. This definition does not include video cassette recorders, digital video recorders, tape recorders, or CD or DVD recorders or writers which are used to capture audio or video from another device. Students who violate this policy shall be subject to appropriate disciplinary action

TAKING PICTURES, VIDEO OR AUDIO RECORDINGS OF OTHERS IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF THE PARENT/GUARDIAN AND SCHOOL ADMINISTRATION.

Consequences for Violation of the School's Policy

- **1st Violation** – Warning, parent/guardian is contacted by school staff regarding the violation and future consequences for violations.
- **2nd Violation**– Option of after school detention or Alternative Placement. Parent/guardian is contacted about violation by school staff regarding

the violation and future consequences for violations.

- **3rd Violation** -- Option of after school detention Alternative Placement (up to three days). Confiscate the telecommunication device. A required parent/guardian conference must occur before returning the telecommunication device to parent/guardian.
- **4th Violation or more** – Confiscate the telecommunication device and suspend to a hearing with the DPP.

Dress and Appearance (Policy 9. 227)

The wearing of any item that materially or substantially disrupts the educational process or threatens the health or safety of other students or school personnel is prohibited.

This prohibition includes, but is not limited to:

- Clothing which depicts vulgar, obscene, or derogatory language or illustrations or promotes alcohol, tobacco, or controlled substances;
- Clothing which depicts gang names or symbols or other gang graffiti or is interpreted by an administrator to be gang-related.

Each school may develop a dress code which is consistent with this policy.

Misbehavior on the School Bus (Policy 6.34)

Student safety is a top priority, and misbehavior on a school bus will not be tolerated. The local school has authority over students from the time they leave home in the morning until they return home in the afternoon. This means the school administrator will address a student's behavior on a school bus with disciplinary actions. The bus driver or school distributes bus rules on the first day of school.

Consequences may range from conferences to removal from the bus. If the behavior violates another provision of this Code, students shall be subject to appropriate disciplinary action as set forth in the *Code*.

The Principal is authorized to withhold bus-riding privileges up to a maximum of 10 days per occurrence(s) in the case of habitual or serious conduct violations. The Principal shall notify the parents/guardians when riding privileges are revoked.

A student cannot be suspended from the bus for more than ten days in a school year without permission from the Superintendent or his designee. Only the superintendent or his designee may withhold riding privileges up to the remainder of the year.

Retaliation Prohibited

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

THE DISCIPLINE PROCESS

Most discipline is handled by teachers in the classroom. When in-class measures do not correct misbehavior, the teacher or staff member will submit a written discipline referral to the appropriate administrator. The administrator may use in-school measures or may suspend the student, depending on the seriousness of the misbehavior.

The discipline of students with disabilities is subject to state and federal law in addition to *The Code of Acceptable Behavior and Discipline*. To the extent any conflict exists, state and federal law will prevail. In deciding disciplinary measures, the local school will take into consideration the district's special education procedures if the conduct in question was caused by or had a direct and substantial relationship to the student's disability or was the direct result of the school's failure to implement the Individual Education Program (IEP).

For serious misbehavior or if previous measures have failed to correct behavior problems, a student may be assigned by the Alternative Placement Committee to an alternative school, where the school is equipped to deal with and correct behavior problems. A principal also may recommend that a student be expelled. Students may be expelled only by the Board of Education (KRS 158.150).

Following is a partial list of disciplinary measures that are available for school administrators, Central Office, and the Board of Education.

Corporal punishment is prohibited.

Available Disciplinary Measures

Teacher's Disciplinary Measures

- Talk with students about expectations for proper conduct.
- Speak with students who do not exhibit appropriate behavior standards.
- Give verbal reprimands.
- Tell the parent about the misconduct; have follow-up meetings and explain consequences of future misconduct.
- Separate student from other students/friends.
- Assign constructive tasks.
- Use special classroom privileges as encouragement.
- Hold a meeting with the student, parent, or both.
- Send home a daily or weekly behavior/assignment sheet.
- Send the student to a school administrator for other discipline when attempts to correct the behavior fail or if the student commits a serious offense.

Administrator's Disciplinary Measures

- Parent/Guardian conference
- Temporary restriction from school activities (e.g., pep rallies, assemblies, field trips)
- Change in student's schedule (with notification to parent/guardian)
- Temporary isolation from other students
- Assignment to after-school detention
- Assignment to Alternative Placement (10 days or less)
- Recommendation for evaluation
- Suspension of bus-transportation privileges for bus misconduct (Review suspension procedures for special education students)
- 1-5 days Out-of-School Suspension
- Placement in Virtual Instruction
- Recommendation for hearing before DPP

Director of Pupil Personnel's Disciplinary Measures

- Parent/Guardian conference
- Alternative Placement (10 days or less)
- 6-10 day out-of-school

- Placement in Virtual Instruction
- Truancy or Beyond Control charges through the CDW
- Recommendation for assessment through CDW's office
- Recommendation for alternative school placement
- Recommendation for expulsion

Alternative Placement Committee's Disciplinary Measures

- Strive (6th-8th grades)
- Emerson Academy (8th-12th grades)
- Night School (8th-12th grades)

Board of Education's Disciplinary Measure

- Expulsion

Physical Restraint

The use of restraint and/or seclusion on a student must be in compliance with Board Policy 9.2212. If you would like a copy of this policy, please contact Mrs. Kim Johnson, OPS Central Office, 270-686-1000.

Discipline Referral Procedures

If classroom discipline measures do not correct a student's misconduct or if his/her behavior is a serious offense, the student is referred to a school administrator by a staff member.

The staff member describes the student's behavior and/or records the student's statements on a Pupil Disciplinary Referral Form. The form is given to the appropriate administrator.

The administrator meets with the student. The administrator follows this process:

1. Reads the referral form to the student.
2. Allows the student to respond to the evidence.
3. Conducts an investigation, if necessary.
4. Decides what disciplinary action(s) to take and records it on the form.
5. Informs the student of the action to be taken.
6. Notifies the parent/guardian of the disciplinary action as appropriate.
7. Enters the referral and the action taken into Infinite Campus.

Discipline records are kept by the administrator. The records are accessible to teachers, administrators, the student, and/or the parent/guardian, as required by the Family Educational Rights and Privacy Act. Suspensions shall be placed in the individual student's disciplinary record.

Description of Disciplinary Measures

A. Parent-Teacher Conferences

As a result of student misbehavior, the school may arrange a conference with the parent/guardian. An effort will be made to arrange the conference at a time that is convenient for the parent/guardian and school staff involved. If it is impossible for the parent/guardian to meet at the school, an alternative means of discussion will be arranged.

The conference will be arranged by telephone. If contact by telephone is impossible, the parent/guardian will be contacted by mail.

If the parent/guardian is unable to attend or chooses not to attend the conference, the conference will be held with the student. The administrator will report the results of the conference to the parent/guardian.

The purpose of the conference will be to discuss the problem(s) and possible solutions with appropriate school staff. School records and discipline records will be available at the meeting. The student may be invited to the meeting. The results of the meeting will be recorded on the Pupil Disciplinary Referral Form and kept by the school.

B. Alternative Placement

For conduct that disrupts the educational process, a student may be assigned to an in-school alternative education program by the Principal/school administrator. This disciplinary action is used as an alternative to suspension and is the most serious in-school disciplinary consequence. The duration and conditions of the assignment shall be fixed by the Principal/school administrator.

The Principal/school administrator shall contact the parents/guardians of a student to notify them of the student's assignment to this program. The conference shall include a notification of the length of the assignment, the expected behavior of the student, and notification that the assignment may be extended depending upon the attitude and cooperation of the student.

While in this alternative program, the student shall continue his/her regular school work under the supervision of school staff and counseling services shall be provided to address school-related problems as may be required.

Students with disabilities who are receiving specially designed instruction (special education) may be transferred to an in-school suspension program for an individually prescribed time period and according to the procedures set forth for all students, provided the daily classroom assignments required to achieve IEP objectives are delivered to the student and the student's work is monitored and evaluated by the student's special education teacher(s).
(See Board Policy 9.4341)

C. Out-of-School Suspension

In accordance with KRS 158.150, the Principal or Assistant Principal may suspend a pupil up to a maximum of five (5) days per incident.

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

A pupil may not be suspended for more than a total of ten (10) days per incident.

Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the Superintendent/designee.

Due Process

Before being punished at the school with suspension, a student shall be given oral or written notice of the charge(s) against him/her. If the student denies the charges, he/she shall be given an explanation of the evidence against him/her. The student must also be afforded the opportunity to present his/her own version of the facts concerning the charge(s).

If following this process, the principal/school administrator decides to suspend the student, the principal/school administrator shall immediately notify the Superintendent and the parent/guardian of the student in writing of the 1) the reason(s) for the suspension; 2) the length of the suspension; and 3) any condition(s) for reinstatement, which may include a conference with the student, his/her parents/guardians, and school officials or a hearing before the Director of Pupil Personnel/Superintendent.

End of Semester

If a short-term suspension of ten days or less is at the time of final examination for a semester or year course, and if the student needs a passing grade on the exam to pass the course, the principal shall make arrangements for the student to take the final exam. This process must be completed within two (2) weeks of the close of the semester.

Extra-Curricular Activities

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

Primary School Students

Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the superintendent/designee. (See Board Policies 9.431, 9.434)

D. Alternative Education Programs (Policy 9.4341)

The Owensboro Public Schools have two alternative education programs. The program for 6th-8th grades—Strive—is located on the campus of Owensboro Middle School South. The program for 8th-12th grades—Emerson Academy. These programs exist to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative programs that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. They are designed to provide a meaningful alternative to suspension or expulsion.

The chart on page 19 explains what behaviors may result in a student being placed in an alternative education program for a disciplinary reason.

After a hearing before the Director of Pupil Personnel where the DPP determines if the conduct may warrant placement in Alternative Education Program, based on the Alternative Education Chart, the OPS Middle or High School Alternative Placement Committees (as appropriate) meet to determine a student's placement. The school will develop an Individual Learning Plan Addendum for the student, which will address the student's academic and behavioral needs and the criteria for re-entry into the traditional school program. Parents and, when appropriate, students shall be invited to participate in the ILPA Meeting.

Extra-Curricular Activities

A student assigned to an alternative school for disciplinary reasons shall not be allowed to participate in or attend any extracurricular activity sponsored by the school.

E. Expulsion

After reasonable efforts by staff have failed to meet the needs of the student, an expulsion recommendation may be made. Reasonable efforts that may be made by staff to help the student include: conferences with the principal, teacher, parent, and student; guidance services; or assistance from other social agencies. In cases of extreme behavior, reasonable efforts may be unproductive and are not required before the recommendation for expulsion.

Only the Board of Education may expel a student upon recommendation of the superintendent. Referrals for expulsion may be made by the principal or the Director of Pupil Personnel to the superintendent.

For cases involving students who bring firearms/explosive devices to school, expulsion shall be for a minimum of one (1) calendar year (365 days), unless modified by the Board on a case-by-case basis. Expulsions for other offenses may extend

for up to the number of days that constitute one (1) school year, not to exceed two (2) semesters.

The recommendation shall be written and supported by all facts and materials related to the grounds for expulsion. The case shall be discussed with the Director of Pupil Personnel and the Board Attorney. After review of the recommendation by the superintendent, a recommendation may be made to the Board of Education for expulsion or extended suspension. If such a recommendation is made, the superintendent shall send a letter to the parent of the student. The letter shall describe, in detail, each charge against the student and assign a hearing date, time, and location with the Board of Education. The student and parent may be present at this hearing and may be represented by an attorney during the proceedings. If the student and parent(s) want to be represented by a representative or an attorney in the hearing, the name and telephone number of that person must be provided to the Superintendent prior to the hearing.

F. Suspensions/Expulsion Procedures for Students with Disabilities

Special consideration should be given when dealing with disciplinary problems of students with disabilities. Frequently, such students may have discipline problems due to the unique nature of their disabilities. In this case, students will have an individual Behavior Intervention Plan.

If further consequences are needed for inappropriate behavior, then Principals are to use those outlined in this *Code*. Alternatives to out-of-school suspension include in-school suspension, detention, and other such options as are needed and appropriate.

Suspension may be used with students with disabilities in accordance with IDEA regulations. If a student with a disability accumulates ten (10) days of suspension, an Admissions and Release Committee (ARC) shall meet to discuss the student's behavior problems and to determine what changes, if any, are needed in the Individual Education Program (IEP). Expulsion is rarely used with students with disabilities. Furthermore, even if a student with a disability is expelled, education services shall not cease completely.

Suspension and/or placement in an alternative education program of students with disabilities shall be done in accordance with IDEA regulations. Expulsion is rarely used with students with disabilities. Furthermore, even if a student with a disability is expelled, education services shall not cease completely.

Strict Account

KRS 161.180 requires teacher and administrators to hold pupils to strict account for conduct on school premises, on the way to and from school, and on school sponsored trips and activities, in accordance with the rules, regulations and bylaws of the local Board of Education.

Student Right to Appeal

Whenever a student is accused of committing a violation of the *Code of Acceptable Behavior and Discipline*, he or she has the right to due process. This means that he/she must:

1. Be informed of the charges and evidence;
2. Be provided with an opportunity to present his or her side of the case; and
3. Be provided with an opportunity to appeal the decision.

In cases that involve students receiving specially designed instruction (Special Education), the additional provisions specified in Owensboro Public Schools policy 08.131 shall be followed, as appropriate to the situation.

Appeal Procedure

In the Owensboro Public Schools discipline decisions that are believed unjust may be appealed. Appeal may be made in writing, through administrative channels to the Board of Education. **Written appeals will receive a written response.**

The following procedures are required when a parent/guardian/ student appeals a school disciplinary decision.

1. Write a letter explaining your reasons for appealing the disciplinary action to the school administrator who took such action. Take or mail the appeal letter to the school within three school days of the disciplinary action.
2. If your appeal is denied by the administrator, you may appeal in writing to the principal. The appeal letter must be mailed or delivered to the school within five school days of the day you receive your answer from the administrator.
3. If your appeal is denied by the principal, you may appeal to the Director of Pupil Personnel. (Owensboro Board of Education, 450 Griffith Ave., Owensboro, KY 42301) The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the principal.
4. If your appeal is denied by the DPP, you may appeal to the Superintendent. (Owensboro Board of Education, 450 Griffith Ave., Owensboro, KY 42301) The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the principal.

Right to Counsel

Persons involved in any disciplinary process have the right to legal representation at their own expense.

Criminal Violations

Students may be charged with criminal violations in addition to violations of this *Code*. Prosecution and court proceedings of criminal violations shall be outside the authority of this *Code* and may proceed simultaneously with school sanctions for the same violations.

Employees who know or have reasonable cause to believe that a student has been the victim of a felony criminal violation (ex. assault, menacing, wanton endangerment, terroristic threatening, or stalking) while on school property, on school-sponsored transportation, or at a school-sponsored event are required to make an immediate report (oral or in writing) to the principal of the school attended by the victim.

The principal shall notify the parents, legal guardians, or others exercising control over the student, the Superintendent, and law enforcement. Within 48 hours, the Principal shall follow the original report with a written report containing the name and address of the student believed to be the victim of the crime and name and address of his/her parents, the student's age, the nature of the incident, and the name and address of the student believed to be responsible for the criminal violation.

To the extent possible, employees should take steps to protect the identity of the complainant while reporting, investigating, or disciplining a student for a violation of the *Code*. In addition, the Principal shall proceed with appropriate disciplinary action consistent with the provisions of this *Code*.

Search and Seizure (Policy 9.436)

Authorized personnel (defined as the principal or a certified person given express authority by the principal) have the right to search students, their belongings, lockers, desks, automobiles, or their property, including telecommunications devices, if a reasonable suspicion exists that the search may reveal evidence that the student has violated or is violating either Board Policy, a school rule, or the law. Search of student's person shall be conducted only with the express authority of the Principal and in the presence of another certified person. However, when an immediate threat to health or safety of others occurs off site with no authorized certified employee readily available, a non-certified person (i.e., bus driver, coach) that is responsible for the students may conduct the search of a student or his/her reasonable effects. Examples of immediate threats would include reasonable suspicion of the presence of illegal drugs or a weapon.

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

No strip searches are permitted.

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

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

Illegal items or other possessions reasonably determined by proper school authorities to be a threat to the student's safety or other student's safety and security may be seized by school officials.

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.

Items found during Search & Seizure

- Items will be seized, tagged, and kept in a secure place by the principal, and admitted as evidence in any school hearing or legal proceeding against the student.
- The item may be returned to the parent of the student from whom it was seized provided it is not a weapon, controlled substance, look-alike substance, or other instrument or substance designed for, or capable of a use that involves a risk of serious bodily harm.

Use of Trained Dogs

Subject to the following conditions, the Superintendent may, after consultation with the administrative staff, authorize the use of trained dogs to locate controlled substances on school grounds and within school facilities:

1. The dogs shall be properly certified as having been trained to detect controlled substances.
2. The Superintendent/designee or the Principal or his/her designee shall be present at all times during the search for controlled substances.
3. No student will be present in the area being searched.
4. All dogs will be leashed and under the control of the handler at all times.

The Police Detection Canine Team may conduct random and unannounced searches of general school areas, including school lockers and parking lots. A school official having reasonable suspicion that the student is in possession of a weapon may use a hand-held metal detector.

Cooperation with Law Enforcement Agencies

School officials shall cooperate with law enforcement agencies in cases involving students (i.e., serving of subpoenas, juvenile petitions or warrants, or taking students into custody). As soon as possible, officials shall attempt to notify the parents of students who are arrested.

When students are arrested at school, the principal/designee shall make a written record of the identity of the officer making the arrest, the nature of the offense charged, the name of the issuing authority of any arrest warrant, and the place of custody.

Crimes off of School Property

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

- School officials shall notify parents/guardians as soon as possible.
- If the parent(s) comes to the school or consents to permit the officer(s) to interview the student, a private place for the interview shall be provided.
- If the parent(s) cannot come to the school and deny consent to the interview, the police should be advised to either bring a warrant, court order, juvenile petition, or arrange to interview the student off the school grounds.
- Parental notification/permission shall not be required if the student is an alleged victim of abuse by the parents.

Crimes on School Property

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

BEHAVIOR VIOLATIONS - DEFINITIONS AND CHARTS

The following section contains both a list of the definitions of the behavior violations that may result in the disciplinary actions and two charts which set forth the disciplinary actions which may be taken.

The first chart represents possible options administrators may choose when dealing with discipline issues. Each (shaded area

represents an option for school administrators to follow which is based on the seriousness of the behavior. The second chart outlines the most serious behavior violations which may result in suspension and alternative school assignment or expulsion.

School personnel may initiate alternative disciplinary action with written justification. Serious offenders, or offenses that are repeated, may warrant a referral to the appropriate court.

Expulsion procedures may be initiated the first time a student has a problem if the problem is of a very serious nature.

Behavior Violations Defined

The following is a list of the definitions of the behavior violations that may result in the disciplinary actions set forth in the chart on the following page.

1. Unexcused tardiness to class or homeroom/ Nonattendance to class or school/Truancy
2. Deliberate disruption—any deliberate action by the student that results in serious disruption of the educational process or any school-sponsored event, including the safe transportation of students (includes disorderly conduct)
3. Failure to follow rules or directives/Academic dishonesty— failure to follow established school rules, including the dress code, and the refusal/failure to follow reasonable directives of authorized school personnel (includes failure to identify oneself, violations of terms/ conditions of suspension, failure to comply with in-school disciplinary measures, and academic dishonesty
4. Leaving school grounds without permission
5. Forgery/Counterfeiting—the creation or alteration of a written instrument (e.g., check, transcript, identification, currency, communication, or any other official document)
6. Profanity/Vulgarity
7. Gambling—games of chance or skill for money or profit
8. Inappropriate sexual behavior— includes possession of pornography, consensual sexual contact, and all sexual offenses except assault/abuse
9. Theft/Vandalism
Theft- stealing, taking by deception, receiving or being found in possession of property belonging to the school or another person (includes fraud, burglary, embezzlement, larceny, theft, and motor vehicle theft as defined by law)

Vandalism—damaging or defacing school property or the property of school personnel/students (includes criminal mischief)
10. Robbery—theft involving the use of physical force, deadly weapons, or dangerous instruments
11. Fighting/Striking student—the use of physical violence between two students or the use of

- violence by a student on another person when there is no major injury as determined by the school administrator (excludes verbal confrontations, intimidation, and other encounters where no injury is intended)
12. Fighting/Striking faculty, staff, or other officials—the deliberate use of substantial physical force toward a faculty member, staff member, or other school official when no serious injury is caused or intended
 13. Intimidation/Harassment/Interference with staff or student/Bullying/Harassing Communications—includes sexual harassment, verbal abuse, threatening, bullying, menacing, wanton endangerment, stalking, and harassing communications; involves intent to deliberately place another person in fear of bodily injury or other substantial physical or emotional discomfort (See also Policy 9.4281- Harassment/Discrimination; Policy 9.422 – Bullying/Hazing)
 14. Drug/Alcohol possession/Under the influence—includes alcohol, illegal drugs, prescription drugs, over the- counter drugs, drug paraphernalia, and look-alike drugs/alcohol
 15. Drug/Alcohol distribution or attempt—includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, and look-alike drugs/alcohol
 16. Assault/Sexual abuse/Sexual assault/Criminal abuse— intending to cause or causing physical injury to another person by means of a deadly weapon or dangerous instrument or intentionally causing physical injury to another person. Sexual assault or physical sexual abuse of any kind is considered assault. Arson with staff/students present is considered an assault
 17. Arson—intentionally damaging school buildings or property of another person by starting a fire
 18. Weapons/Dangerous instruments—possession, transfer, storage, or use of a deadly weapon or use of a dangerous instrument as defined by law Look-alike weapons will be treated as authentic. (See also Policy 5.48 –Weapons)
 19. Bomb threats/False fire alarms/False police reports/Terroristic threatening/Fireworks/Explosives
 20. All other criminal offenses—includes but not limited to, kidnapping, extortion, etc. (law)



Owensboro Public Schools Behavior Violations and Consequences

BEHAVIOR VIOLATIONS	Various in-School Discipline Measures/Parent (guardian conference)	Alternative Placement (up to 10 days)	After-School Detention	Short-Term Suspension (1 to 5 days) 'out of school'	Long-Term Suspension (6 to 10 days) (DPP) 'out of school'	Placement in Virtual Instruction	Alternative School Placement (APC) STRIVE and Emerson	Expulsion Procedures May Be Initiated (refer to DPP)
1. Unexcused tardiness to class/Nonattendance to class or school/Truancy	X	X	X	X			X	
2. Deliberate disruption	X ¹	X	X	X	X		X	
3. Failure to follow rules or directives/Academic dishonesty	X ¹	X	X	X	X		X	
4. Leaving school grounds without permission	X	X	X	X	X			
5. Forgery/Counterfeiting	X	X	X	X				
6. Profanity/Vulgarity	X ¹	X	X	X				
7. Gambling	X	X	X	X	X		X	
8. Inappropriate sexual behavior (includes possession of pornography, consensual sexual contact, and all sexual offenses except assault/abuse)	X	X	X	X	X	X	X	X
9. Theft/Vandalism		X		X	X	X	X	X
10. Robbery		X			X	X	X	X
11. Fighting/Striking student		X		X	X	X	X	X
12. Fighting/Striking faculty, staff, or other officials		X		X	X	X	X	X
13. Intimidation/Harassment/Interference with staff or student/Bullying/Harassing Communications	X	X	X	X	X	X	X	X
14. Drug/Alcohol possession/Under the influence					X	X	X	X
15. Drug/Alcohol distribution					X	X	X	X
16. Assault/Sexual abuse/Sexual Assault/Criminal Abuse					X	X	X	X
17. Arson					X	X	X	X
18. Weapons/Dangerous Instruments					X	X	X	X
19. Bomb threats/False fire alarms/False police reports/Terroristic threatening / Fireworks/Explosives					X	X	X	X
20. All other criminal offenses: kidnapping, extortion, etc. (law)					X	X	X	X

¹ in-class actions

* When determining what consequence is appropriate for a behavior violation, the decision-maker will consider, in accordance with this chart, such factors as the age and maturity of the student, the seriousness of the offense, the disciplinary history of the student, and any applicable state and/or federal laws

** For violations of the Tobacco Policy, please see p.13

For violations of the Telecommunications Policy, please see p.13-14

For violations of the OPS Acceptable Use Policies, please see p.26

When it is appropriate or necessary, students and/or parents may be referred to the appropriate court system.

ALTERNATIVE EDUCATION/EXPULSION CHART

<p>These disciplinary events require an <u>automatic suspension</u>. Depending on the severity, the student may be placed in alternative education program or be recommended for expulsion.</p>	<p>These disciplinary events require <u>automatic suspension and placement at an alternative school/setting or recommendation for expulsion</u>.</p>
<ul style="list-style-type: none"> • AGGRESSIVE BEHAVIOR, FIGHTING, INTIMIDATING, THREATENING, OR HARASSING/BULLYING STUDENTS OR STAFF; MAKING BOMB THREATS; VANDALIZING; ROBBERY; FALSELY ACTIVATING A FIRE ALARM OR COMMITTING ARSON • ASSAULTIVE BEHAVIOR -- ASSAULTING ANOTHER STUDENT; INTIMIDATING THROUGH VIOLENCE; PRACTICING EXHIBITIONISM (EXPOSING GENITALS, PUBIC AREAS, BUTTOCKS, OR FEMALE BREASTS); SEXUALLY HARASSING ANOTHER STUDENT (FIRST OFFENSE) • POSSESSION/USE/UNDER THE INFLUENCE OF DRUGS/ALCOHOL (FIRST OFFENSE) • INAPPROPRIATE SEXUAL BEHAVIOR (POSSESSION OF PORNOGRAPHY, CONSENSUAL SEXUAL CONTACT, AND ALL SEXUAL OFFENSES EXCEPT ASSAULT/ABUSE) • THEFT/VANDALISM • ARSON; BOMB THREATS; FALSE FIRE ALARMS; FALSE POLICE REPORTS;TERRORISTIC THREATENING; FIREWORKS EXPLOSIVES • FAILING TO CONTROL BEHAVIOR AFTER REPEATED IN-SCHOOL DISCIPLINARY MEASURES <p>* A student who has committed one of these offenses and is assigned to an alternative school will be assigned to the alternative school for 30 to 90 days at the discretion of the Alternative Placement Committee. The initial assignment placement may be extended by the APC in 30-45 day increments if the student continues to commit disciplinary infractions at the alternative school.</p>	<ul style="list-style-type: none"> • FIGHTING/STRIKING FACULTY, STAFF OR OTHER SCHOOL OFFICIALS • POSSESSION OF A WEAPON/DANGEROUS INSTRUMENT • ASSAULTIVE BEHAVIOR -- ASSAULTING ANOTHER STUDENT; INTIMIDATING THROUGH VIOLENCE; PRACTICING EXHIBITIONISM (EXPOSING GENITALS, PUBIC AREAS, BUTTOCKS, OR FEMALE BREASTS); SEXUALLY HARASSING ANOTHER STUDENT (SECOND OFFENSE OR GREATER) • POSSESSION/USE/UNDER THE INFLUENCE OF DRUGS/ALCOHOL (SECOND OFFENSE OR GREATER) • ATTEMPT TO PURCHASE/SELL/TRAFFIC DRUGS/ALCOHOL • ALL OTHER CRIMINAL OFFENSES: KIDNAPPING, EXTORTION, ETC <p>**A student who has committed one of these offenses and is not recommended for expulsion will be automatically assigned to the alternative school for 90 days to one calendar year. The length of the assignment will be determined by the Alternative Placement Committee. The initial assignment may be extended by the APC in 45 day increments if the student continues to commit disciplinary infractions at the alternative school.</p>

- The Alternative Placement Committee (APC) will also determine whether a student who is transferring into the District from an alternative school in another district should be initially assigned to the OPS alternative school and for what length of time.
- Students with disabilities will be disciplined in accordance with state and federal law.
- Students who are currently placed in an alternative school for disciplinary reasons may not participate in any extracurricular activity, including commencement ceremonies, for the duration of their placement.

ATTENDANCE GUIDELINES

Absences and Excuses (Policy 9.123)

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

TRUANCY DEFINED

Any pupil who has been absent from school without valid excuse for three (3) days or more, or tardy without valid excuse on three (3) days or more, is a truant.

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

For the purposes of establishing a student's status as a truant, a student's attendance record is cumulative for an entire school year. When students transfer from one Kentucky district to another, attendance information from the previous district shall become part of their official attendance record for that school year.

EXCUSED ABSENCES

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

1. Death or severe illness in the pupil's immediate family,
2. Illness of the pupil,
3. Religious holidays and practices,
4. One (1) day for attendance at the Kentucky State Fair,
5. Documented military leave,
6. One (1) day prior to departure of parent/guardian called to active military duty,
7. One (1) day upon the return of parent/guardian from active military duty,
8. Visitation for up to ten (10) days with the student's parent, de facto custodian, or person with legal custody who, while on active military duty stationed outside of the country, is granted rest and recuperation leave, or Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.
9. Other valid reasons as determined by the Principal, including trips qualifying as educational enhancement opportunities.

Students shall be granted an excused absence for up to ten (10) school days to pursue an educational enhancement opportunity determined by the Principal to be of significant educational value. This opportunity may include, but not be limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.

Unless the Principal determines that extenuating circumstances exist, requests for date(s) falling within State or District testing periods shall not be granted.

The Principal's determination may be appealed to the Superintendent/designee whose decision may then be appealed to the Board under its grievance policy and procedures.

Students receiving an excused absence under this section shall have the opportunity to make up school work missed and shall

not have their class grades adversely affected for lack of class attendance or class participation due to the excused absence.

SCHOOL HANDBOOKS

Each school handbook shall include specific attendance requirements.

UNEXCUSED ABSENCES

Work may be made up for unexcused absences. The determination of the numerical weight for the purpose of grading the work made up will be the responsibility of the Principal.

Attendance Requirements/Compulsory Attendance

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

Attendance Procedure

All students are required by law to attend school every day and to be on time for school and all classes. **Tardiness is not just being late for school as traditionally interpreted; it is defined by law as "any amount of instructional time missed"**. This includes being late to school or leaving school before classes are dismissed. Parents are required to sign their children in on an entry log if late to school or to sign out of school on an exit log if leaving the building during any part of the instructional day.

This District records excused and unexcused absences daily to comply with Kentucky School law **KRS 159.150, which states, "...any child who has been absent from school without valid excuse three or more attendance events, is a truant. Any student who has been reported as a truant two (2) or more times is a habitual truant."**

It is the parent's/guardian's responsibility to **notify the school on the day a student is absent within 30 minutes after the start of school. Written verification should be provided upon the students return to school.** If after three (3) school days the parent has not furnished a written note or called, the absence will be marked unexcused permanently.

Attendance Records

- (1) A full day of attendance shall be recorded for a pupil in attendance 100 percent of the school day.
- (2) A tardy shall be recorded for a pupil who is absent less than (35%) thirty-five percent of the school day.
- (3) (1/2) one-half day attendance shall be recorded for a pupil who is absent (35%) thirty-five percent to (84%) eighty-four percent of the school day.
- (4) A full-day absence shall be recorded for a pupil that is absent greater than (84%) eighty-four percent of the school day.

Vacations and business trips that would cause a student to be absent should be planned around the school calendar. The Principal and the Director of Pupil Personnel must provide prior approval for absences from school for extraordinary reasons not listed.

Required Medical Statement

A student with 7 full-day absences (excluding tardies) during the school year may be required to furnish a medical statement even if any subsequent absences are due to illness.

Any student required to provide a doctor's statement is advised to visit the doctor on the first day they are absent and the projected date the student is able to return to school should be noted on the doctor's statement. A filled prescription will be accepted in lieu of a doctor's statement. The student's medical history will be taken into consideration. It is important that a parent contact the administrator in the school if their child has a medical problem.

The parent/guardian may be required to provide the school with an OPS Medical Excuse Form completed/signed by the child's physician to verify the medical excuse.

Loss of School Privileges Policy

Each year, a student may lose the privilege to participate in extra-curricular, co-curricular or school-wide events sponsored by any Owensboro Public School if his/her attendance results in the following:

1. The accumulation of eight (8) or more unexcused absence days (these may occur through whole or partial day absences)
2. The accumulation of twelve (12) or more unexcused tardies to school

Students and parents will receive notification during all orientation sessions regarding this policy.

Parents will be notified by a phone call/letter and students will meet with an administrative staff member when he/she reaches the halfway mark of any of the above categories.

Violation of this policy may result in the loss of specific privileges at each school. Each school will outline which privileges may be revoked due to excessive attendance problems.

For example, Owensboro High School will include all extra-curricular, co-curricular and school-wide events, which will include such things as exam exemptions, dances, senior activities, etc.

Note: This policy will not impact a student's privilege to participate in commencement ceremonies.

LEGAL NOTICES

Child Find

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

The Owensboro Public 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 Owensboro Public 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 Owensboro Public School District may retain, for an indefinite period of time, a record of the student's name, address, telephone number, grades, attendance records, classes attended, grade level completed, and year completed.

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

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

The Owensboro Public 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 that may need special education services.

The Owensboro Public 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 Owensboro Public 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 Owensboro Public 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 Owensboro Public School District, who may have a disability, and may need but is not receiving Special Education or 504 services, or if you know of a child who attends a private or home school within the boundaries of the Owensboro Public School District, who may have a disability, and may need but is not receiving Special Education services, please call Owensboro Public School District or send the information to:
Special Education Coordinator /Section 504 Coordinator
Owensboro Public Schools
450 Griffith Ave. (270) 686- 1000
Owensboro, KY 42301

“Child Find” activities will continue throughout the school year. As part of these efforts the Owensboro Public 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:

Special Education Coordinator
Owensboro Public Schools
450 Griffith Ave.
Owensboro, KY 42301
(270) 686-1000

The District office is open Monday through Friday, from 8:00 a.m. to 4:30 p.m.

The Owensboro Public 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 Kim Johnson at the address or phone number listed above for the Owensboro Public School District.

FERPA

The Family Educational Rights and Privacy Act (FERPA) and KRS 160.700–160.730 guarantee to parents/guardians of students younger than age 18 and to eligible students age 18 and older the right to:

- Inspect and review the student’s educational records.
- Request that the district disclose information in the educational records to a third party.
- Request an amendment of the educational records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student’s privacy rights.
- File with the U.S. Department of Education a complaint concerning alleged failures by the district to comply with the requirements of FERPA
- Obtain a copy of the district’s policies on confidentiality.

School records are maintained and kept by the school office in a secure location. They contain a list of credits, standardized test results, academic portfolios, grade point averages (GPAs), behavioral and psychological evaluations, screening and health records, attendance records, directory information, and a list of activities. The file may contain temporary disciplinary records, which will be destroyed when a student graduates, transfers, or drops out.

In order to inspect, review, or transfer educational records, the eligible student and/or the parent/guardian must complete the Student Educational Request Form. To request the amendment

of educational records, the parent/guardian or eligible student must submit the request in writing to the school principal.

Under the provisions of FERPA, the district may release, without written consent, a student’s educational records to school officials (school employees or other service providers, such as contractors, consultants, and volunteers) with a legitimate educational interest (which means a need to know the information in order to fulfill their responsibilities for the District); to other school systems, colleges, and universities to which the student intends to enroll or transfer; and to certain other agencies specified by state and federal law. No other person may inspect, review, or transfer a student’s educational records without:

- The written consent of the eligible student;
- The written consent of the parent/guardian if the student is under 18 years of age; or
- A properly issued court order or subpoena.

The district may release directory information without written consent to organizations or individuals with a legitimate educational interest and purpose unless the eligible student and/or parent/guardian submits the Directory Information Opt-Out Form to the school office by the date specified on the form.

PPRA

The Protection of Pupil Rights Amendment (PPRA) affords parents and eligible students the right to consent before a student is required to submit to a survey that concerns one or more 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. These protected areas are as follows:

- Political affiliations or beliefs of the student or student’s parent;
- Mental or psychological problems of the student or student’s family; Sex behavior or attitudes;
- Political affiliations or beliefs of the student or student’s parent;
- Mental or psychological problems of the student or student’s family; Sex behavior or attitudes;
- Illegal, antisocial, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships;
- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- Religious practices, affiliations, or beliefs of the student or parents; or
- Income, other than as required by law to determine program eligibility.

The Protection of Pupil Rights Amendment (PPRA) affords parents and eligible students the right to receive notice and an opportunity to a student out of:

- Any other protected information survey, regardless of funding;
- Any nonemergency, 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 hearing, vision, or scoliosis screenings or any physical exam or screening permitted or required under state law; and
- Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

The Protection of Pupil Rights Amendment (PPRA) affords parents and eligible students the right to inspect the following items upon request before administration or use:

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

The district will notify parents or eligible students at the start of each school year of the specific or approximate dates of the planned activities or surveys listed above and will provide reasonable notification of activities or surveys planned after the school year begins. The parent or eligible student may opt out of participation in the specific activity or survey. Parents or eligible students who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-5901.

McKinney Vento Act

The McKinney-Vento Act identifies homeless students as “Children who lack a fixed, regular and adequate nighttime residence” due to loss of housing, economic hardship, or a similar reason. This includes preschool age children, school age children, and youth living on their own (unaccompanied youth -not in the physical custody of a parent or guardian).

Children and youth on their own may qualify for assistance under the McKinney-Vento Act, if they or their family lives in any of the following situations:

- Temporarily sharing the housing of other persons due to loss of housing, economic hardship, or similar reason.
- Living in motels, hotels, or camping grounds due to lack of adequate accommodations.
- Living in emergency or transitional shelters, such as group homes, runaway shelters and domestic violence shelters.
- Awaiting foster care placement.
- Living in cars, parks, public places, abandoned buildings, or similar settings.
- Abandoned in hospitals.
- Living in housing that is substandard or inadequate.

Students in homeless situations must have the opportunity to meet the same high academic achievement standards as all students. This is why it is so critical that homeless children and youth receive all the educational services for which they are eligible:

- Be given access to the same public education provided to other children, including preschool education.
- Continue in their school of origin or school of residence, *if feasible*.
- Enroll and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment.
- Receive transportation, *if feasible*, to the school of origin.
- Automatic enrollment in the National Free and Reduced Lunch Program.
- *Based on need*: Receive services including Head Start Programs, Title I, English Language Learner, and Special Education.

Title I

Parents of students who attend schools receiving federal Title I dollars have the right to know the professional qualifications of the teacher(s) and instructional paraprofessional(s) who instruct their children. Parents who would like to know this information should contact their school principal and the requested information will be provided in a timely manner.

STUDENT BILL OF RIGHTS

A student has legal rights guaranteed by the Constitution of the United States. These can be exercised in school as long as they do not interfere with the rights of others or the school's responsibility to provide safe and orderly schools. The Owensboro Public School (OPS) District encourages each student to balance the expression of his or her rights by honoring his or her responsibilities as outlined in the *Code of Acceptable Behavior and Discipline* and the *Student Bill of Rights*.

1. The Right to an Education

Under Kentucky law, children between the ages of 5 and 21 years have a right to an education. This education is provided free of charge to students until they have completed a 12- year program or reached their twenty-first birthday. (Children eligible for Exceptional Child Education [ECE] services are guaranteed a free and appropriate public education [FAPE] between the ages of 3 and 21.)

Discipline is necessary to maintain a climate that is conducive to learning, and a student may forfeit his or her right to an education under the *Code of Acceptable Behavior and Discipline*.

A student's right to an education will not be taken away without due process, as guaranteed by the Constitution of the United States.

2. The Right to Academic Grades Based on Academic Performance

Academic grades will be assigned based on academic performance.

Academic grades will not be reduced as punishment for misconduct. A student is entitled to an explanation of how his or her academic grades were determined.

3. The Right to Make Up Work

A student receiving an excused absence shall have the opportunity to make up missed schoolwork and not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence. A student returning to school after an excused absence or suspension may request make-up work within three school days of his or her return to each class. The student will have the number of school days of the absence or suspension plus one school day from the time he or she receives the make-up work to complete the work and submit it to the teacher. The local School-Based Decision Making (SBDM) Council or, if none exists, the principal, with input from teachers and parents, shall establish rules regarding make-up work for unexcused absences other than suspensions.

4. The Right to Representation and Involvement

A student has the right to be represented by peers in making decisions that affect him or her. These include decisions about standards of achievements, conduct, elections, activities, and other facets of student life. Each student is encouraged to exercise this right by seeking to serve as a Student Council representative, a club officer, or a representative of a school or district committee. In general, any student may make suggestions on matters that affect him/her.

5. **The Right to Freedom of Expression**

A student has the right to freedom of expression as it relates to speech, assembly, appearance, publications, and the circulation of petitions. This right must be exercised in such a way that it does not interfere with the rights of others or the orderly operations of the school. A student is encouraged to form opinions and express them in a responsible manner. Conduct that interferes with the learning process or the orderly operations of a school may be restricted.

- A student has the right to assemble peacefully as long as such assembly does not interfere with the learning process or the orderly operations of the school.
- A student has the right to choose his or her manner of dress and otherwise to arrange his or her own personal appearance subject to the school rules and regulations regarding dress or appearance. However, any such rules must relate to a specific educational purpose, such as health, safety, full participation in classes or school activities, and/or preventing the disruption of the educational process.
- School publications, such as the school newspaper, will be free from censorship or prior restraint. School officials may establish guidelines for school newspapers and other publications, including the restriction of libelous or obscene material or materials that would incite others. Guidelines must be consistent with governing legal standards and with the rules and regulations of the Board of Education. A student involved in any such publication is responsible for knowing his or her legal responsibilities and the consequences for failure to follow the guidelines.
- A student or student group has the right to access the pages of the student newspaper and to distribute leaflets, pamphlets, and other literature on school grounds as long as school regulations for their distribution are followed. The distribution of materials must not interfere with the orderly operations of the school nor violate the rights of others.

6. **The Right to Freedom From Abuse**

A student has the right to freedom from verbal and/or physical abuse by school staff or other students. Punishments that are cruel and unusual, demeaning, degrading, humiliating, excessive, or unreasonable are prohibited. The use of obscene or abusive language by school staff or students is prohibited. Corporal punishment is prohibited. However, staff may use reasonable physical force to restrain a student for self-defense, to protect others or property, or to maintain order.

7. **The Right to Participate**

A student has the right to be a member of a school club or organization as long as he or she meets the criteria for membership.

School clubs and organizations must apply criteria for membership to all applicants equally. Under federal law, no club or organization may restrict memberships on the basis of age, color, disability, marital or parental status, national origin, race, sex, sexual orientation, political opinion or affiliation, and/or religion, or for any reason. A student may petition the principal to form a new school club or organization.

If the club or organization meets the guidelines of the Owensboro Board of Education, a faculty sponsor will be

selected by the principal and students. The students and their faculty sponsor are entitled to use school facilities, including classrooms and the public-address system, as approved by the principal.

8. **The Right to Freedom from Unreasonable Search and Seizure of Property***

A student has the right to freedom from unreasonable search and seizure of his or her person and property. School officials, however, have a right under the law to search students or their property whenever there is a reasonable suspicion that they have something that violates school rules or endangers others. Students may be searched to maintain the ongoing educational process, to maintain order, and/or to protect people and property. Searches may include the student and his or her locker, desk, automobile, or personal belongings.

A personal search includes a search of a student's accessories (purse, wallet, backpack, cell phone, notebooks, gym bag, etc.) and/or outer garments (pants/skirt pockets, shirt/ blouse pockets, pant legs, socks, shoes, jacket pockets, waistband, etc.) that **would not** require disrobing. A hand-held metal detector may be used by a school official who has reasonable suspicion that the student is in possession of a weapon.

*This section is a summary of the district's student search procedure.

9. **The Right to Due Process and Appeal**

A student has the right to due process anytime a charge is made against him or her. This means that the student has the right to know what he or she is accused of doing, the right to know the evidence for the charge, and the right to present his or her perspective regarding the charge.

The student or parent/guardian has the right to appeal any action taken by the school that he or she believes to be an unfair or inequitable application of the *Code of Acceptable Behavior and Discipline* or the *Student Bill of Rights*. Students and parents/guardians will be informed of these rights at the beginning of the school year or when the student enrolls in school.

Procedures for appealing suspensions are found above in *Code of Acceptable Behavior and Discipline*.

10. **The Right to Freedom from Harassment and Discrimination**

The Owensboro Public School District is governed by federal, state, and local antidiscrimination laws and acts. OPS has adopted policies that forbid harassment and discrimination in providing equal educational opportunities on the basis of age, color, disability, marital or parental status, national origin, race, sex, sexual orientation, political opinion or affiliation, and/or religion.

11. **The Right to Express an Education Concern or Grievance**

Any OPS student who wishes to express an educational concern or grievance shall follow the order of appeal: Teacher, principal, school council, superintendent, Board of Education. Student grievances pursued beyond the level of the principal shall be in writing.

OWENSBORO PUBLIC SCHOOLS

2022-2023

STUDENT OPS TECHNOLOGY ACCEPTABLE USE POLICY

(Developed in Accordance with Policy 8.2323)

Introduction

OPS offers students access to electronic information, including internet, email, and device. With access to the Internet and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. OPS has taken reasonable precautions to restrict access to inappropriate materials, which do not serve a legitimate pedagogical purpose. However, on a global network it is impossible to control all materials and an industrious user may discover controversial information. The Board firmly believes that the valuable information and interaction available on internet far outweighs the possibility that users may procure material that is not consistent with the educational goals of this technology.

Students are responsible for appropriate behavior when using provided internet access, just as they are in classrooms and hallways. Therefore, general school rules and the guidelines for behavior set forth in the OPS Student Code of Conduct behavior apply. The acceptable use guidelines for OPS internet access are set forth below. Noncompliance with these guidelines or the use of OPS technology to violate any school rules or rules set forth in the *OPS Code of Acceptable Behavior and Discipline* shall result in disciplinary action, up to and including, suspension and expulsion.

No Privacy Guarantee

School district personnel have the right to access all data, user sessions, email, or any other content/information performed on district devices or services. They may review files and communications to maintain system integrity and ensure that individuals are using the system in accordance with district policies and guidelines. Students should not expect files stored on district servers **or through district provided or sponsored technology services** to be private. By accepting these terms and conditions, students waive any right to privacy or confidentiality to material that was created, sent, accessed, or stored using a district computer or a district-provided network account.

Student Responsibilities for Use of OPS Technology

1. Students will have access to the resources of OPS Technology and the Internet provided they comply with the rules and restrictions established by this policy and any policy, procedure, regulation, or other rule established by the district.
2. Students must complete the designated Digital Citizenship and Internet training prior to unsupervised use of OPS Internet access. This training shall include educating minors about appropriate online behavior
3. Each student and student's parent or guardian must annually approve, in conjunction with the Discipline Code Handbook, receipt and acceptance of the terms of this policy before a student will be granted access to OPS Network.
4. Students are responsible for their own behavior when using OPS internet access, consistent with the educational purpose outlined in this policy.
5. Students, parents/guardians, and employees of the district are jointly responsible for ensuring the educational value of the information and resources which are accessed, stored, and published via OPS technology services.

As a condition of students' right to use OPS Technology services, students understand and agree to the following:

1. I will use all resources lawfully and respectfully.

- I will not use OPS technology to create, distribute, access, or obtain information that is :
 - Is harmful or prejudicial to others; for example, materials which are defamatory or libelous (knowingly writing something that is untrue about another person which causes that person harm),
 - Is pornographic, obscene, or sexually explicit;
 - Constitutes bullying (including cyberbullying) or harassment or otherwise fosters disruptiveness among the students so as to interfere with the learning environment of the school district;
 - Threatens immediate harm to the welfare of the school community or to any individual;
 - Discriminates against any segment of the student body or interferes with another's individual rights;
 - Encourages or abets unlawful activity.
- I will not use OPS technology for illegal activity, including the violation of copyright laws.
- I will not use OPS technology to intentionally cause damage to hardware, software, or data.
- I will not use OPS technology to create or share computer viruses and/or malware.

- I will not use OPS technology to gain or attempt to gain access to restricted material or systems.
- I will not use OPS technology for gambling.
- I will not use OPS technology for commercial activities, product promotion, or political lobbying.
- I will not download and/or play games rated M (age 17+) or higher by the Entertainment Software Rating Board
- I will not bypass OPS filters.
- I will not use OPS technology to maliciously attempt to harm or destroy the data of another user.
- I will not use OPS technology to disrupt the efficient operation and/or educational programs of OPS.
- I will not use OPS technology to otherwise violate school rules, the *OPS Code of Acceptable Behavior and Discipline*, or district policies.

2. I will use all resources safely and responsibly.

- I will not share access to my OPS account or use another person's account.
- I will not share my user name or password.
- I will not give out my name, picture, address, email, or any personally identifying information online.
- I will not clear my web-browser history because I understand that school employees will view the Internet history to ensure that I am not violating this user agreement or any other district or school rule by my use of the computer.
- While at school:
 - I will use the Internet and other computer resources for academic activities only; unless otherwise instructed by school personnel.
 - I will only play educational games authorized by school personnel;
 - I will not download games, applications, software, or music unless instructed by my teacher. I will follow the guidelines for printing set by my school.
 - I will only access chat rooms, bulletin boards, blogs, or post to an Internet site when given permission by school personnel.
 - I will not use multi-user games unless instructed by my teacher.

3. I will use computing resources in a manner that respects the intellectual property of others.

- I will not install, store, or distribute unauthorized copyrighted software or materials.
- I will submit work that I have created myself or that I have created as part of a group project. If I borrow or copy materials from other sources, I will properly cite those resources.

Disclaimers on the Use of OPS Technology:

1. Neither the District nor its employees are responsible for any damages incurred as the result of the use of OPS technology, including but not limited to the loss of data stored, or the loss of personal property used to access OPS services.
2. The district is not responsible for unauthorized financial obligations incurred through the use of OPS services.
3. OPS security is designed to allow access to selected areas by designated users only; however, OPS administrators may review files and communications to maintain system integrity and ensure that students are using the system responsibly. Students and other users should not expect that files or other information stored on OPS services will be private.
4. The district is not responsible for the accuracy, nature, or quality of information stored or gathered through Internet access.
5. District employees may utilize social networking sites for instructional, administrative, or other work-related communication purposes if they obtain permission for such a site from the Superintendent/designee; develop the site in accordance with any guidelines developed by the Superintendent/designee (including granting access to the site to school/district technology staff); monitor and manage the site to promote safe and acceptable use; and observe confidentiality restrictions concerning the release of student information under state and federal law. By acknowledging agreement, parents are giving permission for their child to become “friends” with such district-approved social networking sites.

OWENSBORO PUBLIC SCHOOLS

2022-2023

DISTRICT-ISSUED DEVICE CARE & USE AGREEMENT

1. Students from all grade levels could be issued district-owned technology equipment for their use both inside and outside school hours. The purpose of this agreement is to outline the expectations of everyone involved with the district-owned technology devices, from deployment to collection. The program is offered as an anytime/anywhere learning initiative and encourages device usage both at school and away from school. In the event of an accident or if the device is lost/stolen, please consult the appropriate section of this document as to the procedures involved in such incidents.
2. Students will not be assessed any annual usage fees for the device. However, should any damage occur or the loss of any provided accessories, the responsibility for repair or replacement would be placed on the student/family.
3. Day Users or Full-time Users
 - Day Users - Students required to leave the device at school are referred to as day users. Students are responsible to check in and out the device each day. The device and charger are the responsibility of the day user student. If damage to a day user's device the family will be assessed the cost of repairs. Students who take the device home without permission will be subject to disciplinary action, and if the device is damaged or lost while at home they will be financially responsible for repair or replacement.
 - Full-time Users – Students who elect to use the device at school and to take the device home on weeknights and weekends are referred to as full-time users.

The restrictions set forth above for OPS Technology services in their entirety to district-issued devices, whether or not the students is connected to OPS Network.

4. To protect students while at school and home, and to meet the Children's Internet Protection Act (CIPA) requirements, access to the Internet is filtered through a commercial filtering system.
5. Students and parents/guardians may not attempt any repairs/services on the device and damaged devices must be returned to the district for repair/service.
6. Remote software or configuration changes that are necessary for the maintenance and security of OPS technology and to ensure that only authorized software is installed on the devices may be sent out to all devices. Such software maintenance

- may involve the correction of an altered code or programming and, in some cases, may remove files from the device if the files are deemed to be a threat to the operation or security of OPS technology or are stored in unauthorized software. No notification will precede this type of remote access.
7. Students may not permit individuals other than school personnel to use or access the Device.
 8. Students may not share their district-issued power cords.
 9. The device is at all times the property of the district and the student has no right to disable or modify any hardware or software installed on the device or to install new or additional programs or uninstall existing software programs on the device.
 10. Students shall not remove district labels or tags from the computer nor shall they add stickers, labels, or other markings to the computer.
 11. Students must take great care by protecting all parts of the device, including screens, keyboards, and the inside of the device. Thus, accessories such as earbuds, pencils, etc. need to be kept away from potentially damaging a screen. Additionally, having any kind of liquid around a device is dangerous and should be avoided. Liquid damage of any kind results in very large damage assessments and in many cases means replacement of the device at the expense of the student/family.
 12. The device is deemed to be in the custody of the student from the time the student receives the device until the device is returned to the designated school representative. If the device is lost or stolen, parent/guardian and student shall immediately advise the Principal/designee of the incident and provide all relevant information. **When a device is reported lost or stolen, the district may utilize Internet Protocol tracking until the device is actually located by the district or until parent/guardian or the student provides written notification that the device is no longer missing.** It is the responsibility of the legal parent/guardian to initiate and procure a police report outlining the lost incident. This report must be shared with the appropriate school campus (principal).
 13. The device must be returned at the end of the school year, on the date of withdrawal from an OPS school, or upon request by a school administrator. The student must return the device to the district in the same condition that the device was originally provided to the student, ordinary wear and tear excepted. Failure to return the student-issued device and its approved accessories in accordance with these stated conditions may result in disciplinary action and/or prosecution for all applicable crimes to include, but not be limited to, grand larceny.
 14. The district retains the right to review any material sent, mailed, or accessed through a district-owned device or district-provided network account. School district personnel have the right to inspect all material stored and/or streamed on a district-owned device. Students have no right to privacy or confidentiality in material that

was created, sent, accessed, or stored using a district-owned device or a district-provided network account.

15. If the school determines that the student failed to adequately care for the district's device or violates district rules or policies, the district shall impose appropriate consequences and disciplinary actions as set forth in the *OPS Code of Acceptable Behavior and Discipline*. If the district determines that the student acted with intent to damage the district's property, then, in addition to any other available remedies, the district may refer the matter for appropriate civil, criminal, and/or juvenile proceedings.

16. Device Damage/Loss

- In the event a device is damaged, the device shall be returned to the district so that the district can make any necessary repairs.
- **Damage** - In the event of damage to the device, a consultation will occur with school administration. Disciplinary consequences could ensue, based on the individual situations surrounding the incident. Also depending on the circumstances and/or severity of the incident, a loaner/replacement computer will be issued. The student may or may not be allowed to take the loaner device home (depending on the damage that occurred and the details surrounding it). Should damages be frequent in nature, school administrators may change the student to a day user and/or revoke device privileges altogether.
- **Charger and other provided accessories** – The student is expected to maintain possession of the issued charger/accessories. Should anything occur (damage or loss) it will be the student responsibility to replace. The cost of replacement chargers/accessories is researched constantly by the district technology team. Best prices are established based on availability, quality, safety, and volume. **Third party and after-market chargers are not acceptable due to safety concerns.** When the cost is established based on volume purchasing, the schools are informed of the price, and the cost will be assessed to the family.
- **Cosmetic Changes to Device** - Markings and/or stickers that leave permanent changes to the device's condition are not tolerated. If this is noticed on the device, repair cost will be charged to the student/family.
- **Catastrophic Event** - In the unlikely event of a catastrophic event such as a fire,. Official paperwork would be expected from the investigator (i.e. fire report, etc.) and delivered to school personal (principal).
 - a. **Loss/Theft** - If a device is lost, this event should be immediately reported to the district. If the device is missing, a police report must be filed and an investigation would occur both at the school and police levels. If the device is not recovered, the replacement fee will be assessed for the student.

Consequences for Violations of the OPS Technology Acceptable Use Policy or the OPS District-Issued Device Care & Use Agreement

Students are responsible for following the guidelines and rules set forth in the OPS Technology Acceptable Use Policy and the District-Issued Device General Terms and Conditions of Use Policy. Violations of these policies may result in one of the following disciplinary actions:

- Restitution (money paid in compensation for theft, loss, or damage)
- Student/Parent Conference
- Removal of Unauthorized Files and Folders
- Restriction of OPS Technology Privileges*
- Restriction of District-Issued Device Use Privileges**
- Short Term Suspension
- Intermediate Suspension
- Referral to DPP
- Court Referral/Criminal Charges
- Alternative School Placement
- Expulsion

If a violation of either the OPS Technology Acceptable Use Policy or district-Issued device Acceptable Use Policy violates other rules of the Student Code of Conduct, consequences appropriate for violations of those rules may also be imposed.

*If a student's OPS technology privileges are restricted, this means that for the period of the restriction, the student may only access OPS technology while at school and under teacher supervision.

**If a student's district-issued device privileges are restricted, this means that for the period of the restriction, the student may only use his/her device while at school and under teacher supervision.

The following rubric is not meant to be all-encompassing but to serve as a guideline for determining appropriate disciplinary action when a violation of a technology rule occurs.

LEVEL I OFFENSES	LEVEL II OFFENSES
<p>Level I offenses are less serious and begin with a student and/or parent conference. However, depending on the frequency, a Level I violation may merit a more severe disciplinary action such as the ones set forth above.</p>	<p>Level II offenses are more serious and begin with a required conference, the restriction of OPS technology and/or District-owned device privileges, and an in-school alternative placement. However, depending on the seriousness and frequency of the violation, a Level II offense may merit a more serious disciplinary action such as the ones set forth above.</p>
<p>Examples of Level I Offenses:</p> <ul style="list-style-type: none"> • Sharing passwords • Plagiarism • Bypassing District security controls • Defacing computers (e.g., stickers, marker) • Removing District labels or tags • Failing to charge battery • Clearing web browser history • Creating, accessing, downloading, or distributing non-educational materials (e.g., games, music) • Commercial or Political Use • Accessing messaging services or blogs without teacher permission • Posting information online without teacher permission • Failure to Follow Teacher Directives • Failure to Be Polite and Courteous 	<p>Examples of Level II Offenses:</p> <ul style="list-style-type: none"> • Downloading, posting, or distributing materials that: <ul style="list-style-type: none"> □ Are harmful or prejudicial to others (ex. defamatory or libelous) □ Are pornographic, obscene, or sexually explicit, or profane (e.g. music) □ Are Illegal (e.g. copyrighted materials) □ Reference weapons, alcohol, guns, drugs, or gangs □ Constitute gambling □ Are restricted • Engaging in online activity that threatens, intimidates, bullies, harasses, discriminates, or defames • Intentionally destroying hardware or software • Engaging in theft • Engaging in any illegal activity • Harming or destroying another user’s data • Creating or sharing a computer virus • Disrupting the network or the educational process • Intentional phishing, hacking, or security violations involving invasion of and/or possession of others’ personally identifiable information.

BEST PRACTICE REQUIREMENTS FOR USE OF THE INTERNET AND STUDENT DEVICES

- Always keep track of your device and take reasonable precautions to keep it safe. Never leave unattended unless it is secured in a locked location.
- When carrying your device, always place it in the carrying-case provided by the District.
- Do not place the power cord or adapter against the device screen in your carrying-case. This may cause the screen to break.
- Always completely close the lid before lifting the device and always leave the lid completely closed until the Device is placed on a stable surface such as a table or desk.
- Never place any items on the keyboard. (Closing the device lid with ear buds, cords, or other items still on the keyboard will cause the screen to break.)
- Be careful not to drop or fling your backpack/case. (Remember, if your device breaks, you are responsible for reimbursing the District for the cost of the repair.)
- If you notice that your device is working slowly or functioning in a strange or abnormal way, report it to the school personal in your building.
- Remember to charge your device each night.
- If issued an always-on case, students cannot remove the device nor alter the form in which it was issued to the student.
- Do not leave the device in a vehicle.
- Do not eat or drink while using the device or have food or drinks in close proximity to the device.
- Do not allow pets near your device.
- Do not stack objects on your device.
- Do not check the device as luggage at the airport.
- Do not share your device with others.
- Keep your device out of reach of babies and young children.
- Use email safely.
 - Do not open, forward, or reply to suspicious emails. If you have a question about whether or not to open an email, check with the Help Desk/School Technology Coordinator in your building.
 - Do not open email attachments from someone you don't know – it may be a virus or a malicious program.
 - Never respond to emails that ask you for personal information, your user name, or your password.

- Think before you write and send an e-mail. Be polite and courteous at all times.
- Do not pass on chain letters. They often contain links to viruses or are scams themselves.
- Use the Internet safely.
 - Do not go to inappropriate/questionable websites or click on links that you do not recognize because this may trigger spam or a computer virus attack.
 - Be polite and courteous on the Internet. Do not use offensive language such as curse words or insults.
 - Remember that once any text or photo is placed online, it is completely out of your control, even if you limit access to your page. Anything posted online is available to the world.
 - You should not post information, photos, or other items online that could embarrass you or others.
 - Do not post personal information, such as your address, phone number, date of birth, class schedule, your whereabouts, or your daily activities. You could be providing this information to online predators.
 - Remember many potential employers and colleges and universities now search the Internet to screen applicants.
- Saving information.
 - It is recommended that you save/backup any important files.

2022-2023 OPS TECHNOLOGY ACKNOWLEDGEMENT AND AGREEMENT

By agreeing to the overall Student Discipline Code Handbook, I acknowledge that I have received a copy of the *OPS Technology Acceptable Use Policy, OPS Device Use Care and Use Agreement*, and I have read and agree to abide by all of OPS technology guidelines and procedures contained therein.

As the parent or legal guardian of the student, I grant permission for my child to access networked computer services such as electronic mail and the Internet. I understand that this access is designed for educational purposes; however, I also recognize that some materials on the Internet may be objectionable, and I accept responsibility for guidance of Internet use by setting and conveying standards for my child to follow when selecting, sharing, researching, or exploring electronic information and media.

By acknowledging the Discipline Code Handbook, you further accept and agree that your child's rights to use the electronic resources provided by the district and/or the Kentucky Department of Education (KDE) are subject to the terms and conditions set forth in district policy/procedure. Please also be advised that data stored in relation to such services is managed by the district pursuant to policy 08.2323 and accompanying procedures. You also understand that the e-mail address provided to your child can also be used to access other electronic services or technologies that may or may not be sponsored by the district, which provide features such as online storage, online communications and collaborations, and instant messaging. Use of those services is subject to either standard consumer terms of use or a standard consent model. Data stored in those systems, where applicable, may be managed pursuant to the agreement between KDE and designated service providers or between the end user and service provider.