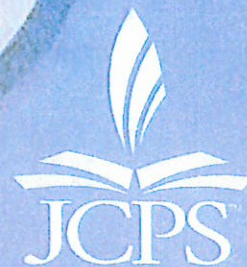


# Student Support and Behavior Intervention Handbook







# Directory Information Opt-Out Form

## For All Students

Complete this form to exercise your right to privacy.

The district has designated a student's **name, address, grade level, honors and awards, photograph (excluding video records), and major field of study** as directory information. The district has also designated a student's date of birth as directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. If you **do not** want this information released to people requesting directory information, **the parent/guardian or eligible student (18 years of age or older) must sign this form and return it to the school office within one month after enrollment. This opt-out request will remain in effect for the current school year only.**

I hereby exercise my rights under state and federal law and hereby request that the name, address, grade level, honors and awards, photograph (excluding video records), major field of study, and date of birth (for FAFSA Completion Project) of \_\_\_\_\_ (student name), currently a student at \_\_\_\_\_ (school name), **not** be released without prior written consent. I understand that this opt-out request will remain in effect for the current school year only.

Signed by (Check one.):  eligible student     parent/guardian

\_\_\_\_\_ Signature

\_\_\_\_\_ Name (Please print.)

\_\_\_\_\_ Address

\_\_\_\_\_ City/State/ZIP



# Military Recruiter Opt-Out Form

## For High School Students Only

Complete this form to exercise your right to privacy.

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 sign this form and return it to the school office within one month after enrollment. If a Military Recruiter Opt-Out Form has been submitted at any time since August 2013, another submission is not necessary. Jefferson County Public Schools policy is to release the directory information of the current juniors and seniors one month after the start of each school year. In order to be opted out, students must have submitted this form before that time in their junior year.

I hereby exercise my rights under state and federal law and hereby request that the name, address, and telephone number of \_\_\_\_\_ (student name), currently a student at \_\_\_\_\_ (school name), not be released to military recruiters without prior written consent. I understand that this opt-out request will remain in effect for my entire high school career and that I can revoke this option at any time by notifying my school and/or school district in writing of my decision.

Signed by (Check one.):  student     parent/guardian

\_\_\_\_\_ Signature

\_\_\_\_\_ Name (Please print.)

\_\_\_\_\_ Address

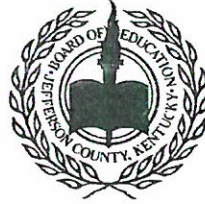
\_\_\_\_\_ City/State/ZIP

For an explanation of the state and federal laws applicable to this form, see the *Student Support and Behavior Intervention Handbook* and the *Student Bill of Rights*.

**Please cut this form from the booklet, and return it to your child's teacher.**

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

\_\_\_\_\_  
Teacher



JEFFERSON COUNTY BOARD OF EDUCATION  
Louisville, Kentucky

ACKNOWLEDGMENT OF RECEIPT OF THE

***Student Support and Behavior Intervention Handbook  
and the Student Bill of Rights***

As the parent/guardian of \_\_\_\_\_, I have read and discussed the *Student Support and Behavior Intervention Handbook* and the *Student Bill of Rights* with my child. I grant permission for my child to access the Internet and electronic mail through the JCPS Network and have conveyed to my child the standards outlined on page 35.

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

**Please sign this form, and return it to the school office within one month after enrollment each school year.**





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## A Message From the Superintendent

As the superintendent of Jefferson County Public Schools (JCPS), I am charged with ensuring that all of our schools have a culture and climate that are conducive to learning. In doing so, it is essential that students behave in an acceptable manner and that staff create an environment that is engaging and inclusive. It is also imperative that the *Student Support and Behavior Intervention Handbook* clearly outline acceptable behavior and appropriate consequences for unacceptable behavior.



This handbook was revised this year after months of input from parents, students, staff, and the community. JCPS also examined model handbooks from other districts that have had successful implementation, reduced suspensions, and increased positive behavior from students. You will see in this revised handbook that all unacceptable behaviors and the possible consequences are clearly defined, which will allow schools to respond quickly and appropriately. It also provides accountability for the school district. Identifying the exact unacceptable behavior, instead of using a vague description, allows us to track behaviors, prescribe the appropriate consequences, address those behaviors proactively, and develop strategies to prevent future behaviors.

The revisions to this handbook clearly illustrate high expectations with an emphasis on safety. The district increased possible consequences for students who disrupt learning or challenge the safety of our staff and students.

Proactive changes to the handbook also allow room for administrators to respond, restore, remove, readmit, and reflect on the student's behavior. The handbook clearly outlines a behavior management system that ensures proactive adult responses are the first step toward preventing poor behavior. I also understand that strong, engaging pedagogy and teaching are determinants of better behavior.

Our new strategic plan, *Vision 2020: Excellence With Equity*, details the steps we must take to reach our goal of being the best urban school district in the United States. It calls for all students and staff to be considerate, proper, ethical, and focused on learning. The revisions to the handbook support the strategic plan by clearly articulating behavioral expectations of students and appropriate responses from teachers and administrators.

Moving forward, I am convinced revisions to the handbook will help students learn and teachers teach. Safety for and appropriate behavior by all will always be top priorities.

A handwritten signature in black ink that reads "Donna M. Hargens". The signature is written in a cursive style with a large, sweeping initial 'D'.

Donna M. Hargens, Ed.D.  
Superintendent





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**For help in mediating harassment/  
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Compliance and Investigations  
director at 485-3341.**



## Introduction

The JCPS District has a responsibility to provide an education for the children in its district. Under law, this right cannot be taken away without cause. Students have the responsibility to conduct themselves in a way that does not interfere with the rights of other students to an education or with the school's ability to provide it. Kentucky Revised Statute (KRS) 158.440 states that "every student should have access to a safe, secure, and orderly school that is conducive to learning." This *Student Support and Behavior Intervention Handbook* outlines proper student behavior. It was developed by students, parents, teachers, school administrators, and community leaders and adopted by the Jefferson County Board of Education (JCBE).

Every student, parent/guardian, and school staff member receives a copy of this handbook and receives instructions on how to use it. Staff members may use reasonable judgment on how to apply the handbook, but the handbook will be enforced fairly and equitably without discrimination. Students are responsible for following the handbook from the time they leave home for school until they return home after school as well as whenever they are on school property, on the school bus, or at any school-sponsored event.

This handbook was adopted by the JCBE on November 21, 1977, and was revised in 1979, 1980, 1982, 1985, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2007, 2008, 2009, 2011, 2013, 2014, 2015, and 2016.

"If a child doesn't know how to read, we teach. If a child doesn't know how to swim, we teach. If a child doesn't know how to multiply, we teach. If a child doesn't know how to drive, we teach. If a child doesn't know how to behave, we ... teach? ... punish? Why can't we finish the last sentence as automatically as we do the others?"

—Tom Herner, President of the National Association of State Directors of Special Education, 1998

## School Climate and Culture

JCPS defines school climate as the elements in a school related to effective leadership, positive relationships, engaging teaching and learning, a welcoming physical environment, and safety. Positive relationships are critical to creating a positive school climate. School leaders set the tone and expectations for the entire school community, paving the way for all members of that community to take meaningful steps to improve school climate.

Schools with a positive climate and culture have the following:

- Positive relationships with all stakeholders—students, parents, teachers/staff, school police, and community partners
- Training and resources to resolve conflicts peacefully and respectfully, with suspensions used only as a disciplinary measure of last resort
- Supports for students who are experiencing emotional crisis, trauma, or serious challenges in their homes or communities
- Effective communication among schools, parents, and communities
- Clean, well-maintained, and welcoming environments that clearly demonstrate school pride and a love of learning
- A learning environment where students and staff feel physically and emotionally safe

The United States Department of Education defines Guiding Principles that function as best-practice references for culture, expectations, equity, and continuous improvement. We've provided them below for your reference.

### **Guiding Principle 1: Climate and Prevention**

Schools that foster positive school climates can help engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

### **Guiding Principle 2: Clear, Appropriate, and Consistent Expectations and Consequences**

Schools that have discipline policies or codes of conduct with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

### **Guiding Principle 3: Equity and Continuous Improvement**

Schools that build staff capacity and continuously evaluate the school's discipline policies and practices are more likely to ensure fairness and equity and to promote achievement for all students.

## A Shift in Culture, Climate, and Practice

*Vision 2020:* Collaborations—Relationships, cooperation, and partnerships among students, staff, families, and community are fundamental to the success of our students.

The *Student Support and Behavior Intervention Handbook* moves us away from reactionary and exclusionary practices and toward proactive approaches that focus on building student and staff skills and competencies, which in turn leads to greater productivity and success. The handbook moves us from a singular focus on safety to a comprehensive focus on creating the conditions that make every classroom and every school a great place to learn and grow.

The handbook embodies our belief as a school district that students learn by pushing and testing limits, getting feedback about their behavioral choices, and making the changes needed to become contributing members of a community of learners. The handbook is also designed to reflect a commitment to student equity. This means that we hold all students to the same high expectations but provide different kinds of support to reach those expectations.

## Local School Rules

The JCBE is responsible for formulating the *Student Support and Behavior Intervention Handbook* 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 handbook as adopted by the JCBE. 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.

## Fostering Relationships in Our Community

### Positive Relationships

Research shows that positive relationships help students learn. Students are more likely to succeed when they feel connected to others in their school and classroom community and are less likely to behave in ways that disrupt the school environment. Skills and strategies to be used by staff for building positive relationships with students include the following:

- Know your students' strengths and cultural identities.
- Communicate understanding and empathy.
- Structure tasks for student success.
- Reinforce behavior in a positive manner.
- Use factual, objective language to define expectations and address behavior.

- Ask open-ended questions.
- Stay calm in tense situations.
- Remain neutral whenever possible.

JCPS values our diversity and strives to be inclusive and aware of the cultural differences of our students and staff while providing equitable opportunities and access. In addition, we have taken measures to consider and be sensitive to the age and developmental appropriateness of our Behavior and Range of Corrective Strategies. We know that at different stages of development, a student's capacity to understand his or her behavior develops and grows. Our handbook takes this into consideration and allows for such growth and maturity.

As a result of JCPS's commitment to sustaining relationships, there is a renewed focus on celebrating and recognizing positive student behaviors, cultural competence, age-appropriate and developmentally appropriate supports and responses, and communication. Restorative Practices (RP) and Positive Behavior Intervention Supports (PBIS) are two of the best-practice frameworks being implemented with our students and staff to develop proactive and positive ways to respond to student behavior. Expanded training and implementation of RP and PBIS assist staff members with addressing antecedent behaviors, restoring potentially damaged relationships, and assisting students in finding replacement behaviors while also taking accountability for their actions.

## Building Community While Taking Responsibility

Using RP ensures that people are happier, more cooperative and productive, and more likely to make positive changes in their behavior because those in positions of authority do things with them, rather than to them or for them.

### Fundamental Principles

- Acknowledging that relationships are central to community building
- Focusing on the harm done rather than only rule breaking
- Creating systems that address misbehavior and harm in a way that strengthens relationships
- Giving voice to the person harmed
- Engaging in collaborative problem solving
- Empowering change and growth
- Enhancing responsibility



## Communicating, Educating, and Celebrating Student Behavior

PBIS is a framework used in schools to create positive learning environments wherein all students can experience academic, behavioral, and social-emotional growth. Implementing the five fundamental principles of PBIS can help make schools positive places where students love to learn and staff experience satisfaction in their work.

### Fundamental Principles

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- Providing behavior expectations: Students must be provided with clear, consistent, and positively stated expectations for their behavior. The expectations reflect the respect, responsibility, and safety of all.
- Teaching behavior: Schools must be intentional about teaching students what is expected of them at every grade level. This requires teaching them at the beginning of the year and reteaching them throughout the year.
- Celebrating positive behavior: When students meet the behavior expectations set for them, staff acknowledge their efforts. Recognition of positive student behavior and strengths is critical to promoting positive behaviors for all students.
- Responding to behavior: When a student does not meet the behavior expectations set for him or her, staff respond in the moment by using a strategy and by providing an opportunity for the student to regain self-control. They also provide a resolution/response that supports a student's ability to repair the harm resulting from his or her behavior and actions in order to maintain the safety of the school community.
- Using data: Schools regularly use behavior data to guide the teaching and support that take place at the individual student level, classroom level, and school level.

## Compassionate Schools Project

The Compassionate Schools Project (CSP) is an innovative curriculum to meet the needs of twenty-first-century students. CSP integrates evidence-based approaches from four key areas of skills to develop students into successful, compassionate citizens with emotional and physical well-being.

## Fundamental Principles

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Through the CSP Health and Wellness Curriculum, students will understand, practice, and develop the following:

- Showing empathy, compassion, caring, and kindness for positive relationships with self and others
- Possessing emotional intelligence: Awareness of own and others' emotions and the ability to respond effectively to manage emotions
- Exercising self-awareness and self-management: The ability to regulate their bodies, attention, and behaviors
- Monitoring and focusing their attention in order to be meaningfully engaged in learning
- Practicing healthy eating attitudes and skills: Openness to a variety of foods and an understanding of how foods affect the body and mind
- Engaging in a healthy and active lifestyle: The skills and understanding they need to find joy in movement and be empowered to have agency and responsibility in their health

## WATCH D.O.G.S.

WATCH D.O.G.S. are fathers, grandfathers, uncles, and other father figures who volunteer for at least one day each year at an official WATCH D.O.G.S. school. As a program of the National Center for Fathering, there are more than 5,348 registered schools in 47 states that participate in the WATCH D.O.G.S. program, in addition to participation in China, Canada, Mexico, Puerto Rico, and Barbados.

Fathers, grandfathers, step-fathers, uncles, and other father figures volunteer to serve at least one day a year in a variety of school activities as assigned by the school principal or other administrator.

### Fundamental Principles

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- Providing positive male role models for the students, demonstrating by their presence that education is important
- Providing extra sets of eyes and ears to enhance school security and reduce bullying

## Deeper Learning

Although there is not a single definition of *deeper learning*, the JCPS Deeper Learning Framework focuses on improving the powers of learners to think, communicate, and care throughout the day and throughout their learning journeys in JCPS and beyond. At the core of *Vision 2020* is the deeper learning goal that “Each student will progress toward mastery of both academic standards and the development of capacities and dispositions necessary for success in college, career, community, and life.”

### Fundamental Principles

- Individuals learn in, through, and from meaningful relationships, experiences, and environments. Deeper learning is grounded in helping learners develop the social, emotional, and intellectual knowledge, skills, capacities, and dispositions to thrive in school and beyond through the cultivating of the following:
  - Caring, constructive learning relationships
  - Meaningful, personalized, real-world learning experiences
  - Supportive, equity-focused learning environments
- By elevating the development of intellectual, social, and emotional learning into daily teaching—integrating the experiences and environments of all learners—deeper learning will serve as a powerful, proactive approach to develop constructive behaviors that are tied to real and intrinsic motivations of each student and his or her desire to be a lifelong learner.
- Deeper learning in JCPS will involve setting a foundation for learning by teaching social-emotional skills and supporting a strong climate and culture for educator leadership and student voice. In addition, it will involve incorporating meaningful, real-world learning experiences; frequent opportunities for students to work with their peers; and authentic assessments.
- Deeper learning should be considered a primary core approach and meta-strategy to improve student behavior by helping learners develop essential life capacities and dispositions that they will practice and hone daily throughout their JCPS learning journey.
- The initial focus capacities and dispositions include, but are not limited to, Innovation, Reflection, Problem Solving, Collaboration, Voice, Negotiation, Respect, Compassion, and Perseverance.

## Creating Trauma-Sensitive Schools to Improve Learning

Professional educators know that many students face personal challenges that adversely affect their learning in school. Unfortunately, many children have been traumatized by directly or vicariously experiencing violence, hopelessness, loss (or fear of loss) of loved ones, or other kinds of devastating experiences.

Trauma changes people. Just as physical assault on the body can cause bodily impairment, psychological trauma can result in a mental injury that impacts such things as a child’s ability to regulate emotions, attend to classroom activities, and/or achieve normal developmental milestones. However, this does not mean that traumatized children and adolescents cannot grow up to be healthy and happy adults, despite the often substantial obstacles they face.



## Rights and Responsibilities of Entire JCPS Community

Supporting positive student behavior requires a high level of commitment from students, parents/guardians, staff, administrators, and members of the JCBE. These stakeholder groups have rights and responsibilities that are designed to reflect both the mutual respect and accountability required of all people involved in supporting student behavior. The rights and responsibilities for each group are outlined in this section.

### Student Rights and Responsibilities

<b>All students have the right to:</b>
<ul style="list-style-type: none"> <li>• Be treated with courtesy, respect, and dignity.</li> <li>• Attend school and be valued members of the school community.</li> <li>• Learn in a safe environment that is free of bullying, harassment, and discrimination.</li> <li>• Receive instruction in order to learn school behavior expectations and social and emotional skills.</li> <li>• Access appropriate supports and services to succeed in school.</li> <li>• Receive a written copy and clear explanation of the <i>Student Support and Behavior Intervention Handbook</i>, including the process to appeal disciplinary decisions.</li> <li>• Tell their side of the story and/or report unfair treatment to a person in authority.</li> <li>• Participate in decision making to determine which interventions and consequences will be used in response to disciplinary issues.</li> <li>• Maintain personal privacy. Personal belongings may be searched only if the principal has a reasonable suspicion that the student possesses evidence of a crime, stolen goods, drugs, weapons, or other illegal or prohibited items (JCBE policy).</li> <li>• Have a parent/guardian or advocate present at conferences on readmission from out-of-school suspension.</li> </ul>
<b>All students have the responsibility to:</b>
<ul style="list-style-type: none"> <li>• Show respect and courtesy to all students, staff, and school visitors. This includes respecting individual differences, cultural diversity, and the property of others.</li> <li>• Attend school daily, be prepared for class, engage in classroom activities, and complete all assignments.</li> <li>• Contribute to a safe learning environment by managing their own behavior and reporting harmful or dangerous situations to an adult.</li> <li>• Understand and follow all school rules and instructions given by school staff.</li> <li>• Bring to school only those materials that are allowed.</li> <li>• Inform parents/guardians of school-related issues and give them any materials sent home by the school or district.</li> </ul>

### Parent/Guardian Rights and Responsibilities

<b>All parents/guardians have the right to:</b>
<ul style="list-style-type: none"> <li>• Be treated with courtesy, respect, and dignity.</li> <li>• Feel welcomed, valued, and connected to school staff and the school community.</li> <li>• Access opportunities to learn school behavior expectations.</li> <li>• Receive a written copy and clear explanation of the <i>Student Support and Behavior Intervention Handbook</i>, including the process to appeal disciplinary decisions.</li> <li>• Work in partnership with school staff to support their child's learning and healthy development at home and at school.</li> <li>• Engage in regular, two-way, meaningful communication with school staff regarding their child's academic and behavioral progress. This includes the right to be notified in a timely manner when their child is removed from the instructional environment for a substantial amount of time due to his or her behavior.</li> <li>• Actively participate with school staff in solving problems related to the child's behavior.</li> <li>• Advocate for their child and report any unfair treatment to a person in authority.</li> </ul>

**All parents/guardians have the responsibility to:**

- Show respect and courtesy to all students, staff, and school visitors.
- Provide a working phone number in order for schools to effectively communicate with families.
- Review the content of the *Student Support and Behavior Intervention Handbook* with their child.
- Understand the school's behavior expectations.
- Work with the school as a collaborative partner. This includes working with staff to maximize their child's strengths and to support the child to make changes in his or her behavior as needed.
- Inform school officials about concerns in a timely and respectful manner.
- Support their child to resolve problems peacefully while at school in order to contribute to a safe and positive school climate. This includes helping the child express anger without verbal attacks or physical violence.

**Teacher/Staff Rights and Responsibilities**

**All teachers/staff have the right to:**

- Be treated with courtesy, respect, and dignity.
- Work in a safe environment that maximizes staff performance and student learning.
- Access opportunities for professional development and training to assist in creating and maintaining a thriving classroom environment that is respectful, engaging, vibrant, and culturally relevant.
- Access support for addressing student behavior when such conduct cannot be handled within the classroom environment.

**All teachers/staff have the responsibility to:**

- Show respect and courtesy to all students, staff, and school visitors.
- Foster ongoing, positive relationships with all students and families.
- Create a positive classroom and school climate for all students, using effective classroom management strategies that extend to all school environments.
- Explicitly teach, acknowledge, and reinforce behavior expectations.
- Employ a Multi-Tiered System of Support (MTSS).
- Provide social and emotional skill instruction that meets the district's MTSS.
- Intervene promptly when inappropriate behavior occurs. This includes providing corrective feedback, reteaching behavioral expectations, following the Individual Education Programs (IEPs) and Behavior Support Plans of students, and adhering to procedures for student removals from the learning environment when needed.
- Work with students and their parents/guardians to develop, implement, and monitor behavior interventions that support students in changing their behavior, using a progressive system of support.
- Apply the *Student Support and Behavior Intervention Handbook* in a fair, equitable, and consistent manner and accurately record inappropriate student behavior following the established protocol.
- Respect the right of students to maintain personal privacy. Personal belongings may be searched only if the principal has a reasonable suspicion that the student possesses evidence of a crime, stolen goods, drugs, weapons, or other illegal or prohibited items (JCBE policy).
- Follow up promptly on reports of bullying as required by JCBE policy.

## School Administrator Rights and Responsibilities

<b>All school administrators have the right to:</b>
<ul style="list-style-type: none"><li>• Be treated with courtesy, respect, and dignity.</li><li>• Work in a safe environment that maximizes staff performance and student learning.</li><li>• Access support from district central office to create and maintain a thriving school environment that is respectful, engaging, vibrant, and culturally relevant.</li></ul>
<b>All school administrators have the responsibility to:</b>
<ul style="list-style-type: none"><li>• Show respect and courtesy to all students, staff, and school visitors.</li><li>• Foster ongoing, positive relationships with all students and families.</li><li>• Create a safe and caring school climate that maximizes learning.</li><li>• Create, monitor, and assess a schoolwide management system.</li><li>• Welcome parents/guardians as valued partners in their child's learning. This includes creating opportunities for regular, two-way communication and active participation at problem-solving meetings by accommodating schedules and meeting language needs.</li><li>• Review the <i>Student Support and Behavior Intervention Handbook</i> with students, staff, and parents at the beginning of each school year and revisit it as necessary throughout the year.</li><li>• Guide the School-Based Leadership Team and Student Support and Intervention Team in using and reviewing schoolwide behavior data and evaluating the effectiveness of behavioral interventions. This includes monitoring data to identify and address disparities.</li><li>• Ensure that all school staff meet the expectations outlined in the section entitled "Teacher/Staff Expectations and Responsibilities."</li><li>• Support staff in implementing appropriate behavior interventions.</li><li>• Apply the <i>Student Support and Behavior Intervention Handbook</i> in a fair, equitable, and consistent manner and accurately record inappropriate student behavior and interventions and disciplinary responses following the established protocol.</li><li>• Follow procedures for student removals from the learning environment.</li><li>• Notify parents immediately if a student's inappropriate behavior results in an out-of-school suspension.</li><li>• Notify parents, in a timely manner, of an inappropriate behavior and the response, if there is not an out-of-school suspension.</li><li>• Respect the right of students to maintain personal privacy. Personal belongings may be searched only if the principal has a reasonable suspicion that the student possesses evidence of a crime, stolen goods, drugs, weapons, or other illegal or prohibited items (JCBE policy).</li><li>• Respond promptly on reports of bullying as required by JCBE policy.</li><li>• Ensure that appropriate data-entry procedures are being followed and ensure that collection, monitoring, and evaluation systems are utilized at the school level. This includes using disaggregated data to allocate resources to support student behavior as well as evaluating program and staff effectiveness.</li></ul>



## Central Office Rights and Responsibilities

<b>All central office staff have the right to:</b>
<ul style="list-style-type: none"> <li>• Be treated with courtesy, respect, and dignity.</li> <li>• Work in a safe environment that maximizes staff performance.</li> </ul>
<b>All central office staff have the responsibility to:</b>
<ul style="list-style-type: none"> <li>• Show respect and courtesy to all students, staff, and school/district visitors.</li> <li>• Provide schools with the necessary resources, professional development, and technical assistance to implement the <i>Student Support and Behavior Intervention Handbook</i>.</li> <li>• Communicate to all district staff that creating a positive school culture, supporting positive student behavior, and developing appropriate student discipline practices are critical district priorities.</li> <li>• Ensure that appropriate data collection, monitoring, and evaluation systems are available and utilized at the school and district levels. This includes using disaggregated data to allocate resources to support student behavior as well as evaluating program and staff effectiveness.</li> <li>• Engage in ongoing monitoring of the implementation of the <i>Student Support and Behavior Intervention Handbook</i> and intervene as needed to ensure that it is enforced in a fair and equitable manner.</li> </ul>

## Board of Education Rights and Responsibilities

<b>All Board of Education members have the right to:</b>
<ul style="list-style-type: none"> <li>• Be treated with courtesy, respect, and dignity.</li> </ul>
<b>All Board of Education members have the responsibility to:</b>
<ul style="list-style-type: none"> <li>• Show respect and courtesy to all students, staff, parents, and administrators.</li> <li>• Use qualitative and quantitative data to create and evaluate policies that promote thriving school environments that are respectful, engaging, vibrant, and culturally relevant.</li> <li>• Ensure that district administrators utilize appropriate data-collection, monitoring, and evaluation systems.</li> </ul>

## Protections for Students With a Disability

Nothing in this handbook replaces or substitutes any student rights as guaranteed by the Individuals with Disabilities Education Act (IDEA) or state law. Students with a disability will always be entitled to the rights and protections afforded to them by state and federal law and shall not be removed from the learning environment unless doing so is in accordance with the law.

**LEVELS OF STRATEGIES, INTERVENTIONS, AND RESPONSES**

**PRE-LEVEL 1:**

Provide proactive school-wide and classroom supports to prevent problems. In the event of misbehavior, teach replacement behavior.

**Examples of Evidence-Based Classroom Supports**

Proactive systems of supports assist all students in achieving social, emotional, and academic success. Proactive supports provide clear, consistent expectations so that every student knows exactly what is expected across school settings. When a student demonstrates an irresponsible behavior, determine a reason for the misbehavior and take action to reduce and eliminate the behavior. Modify conditions that perpetuate the misbehavior, eliminate pleasant consequences, or implement corrective responses, thus promoting a safe and respectful learning environment.

**Proactive Classroom Supports**

- Create positive classroom expectations that are clearly defined and taught.
- Continuously teach and reteach classroom expectations throughout the year (e.g., schedule for teaching by week/month, after breaks).
- Model and practice expectations in appropriate setting (e.g., group work, individual work).
- Use precorrection strategies to remind students of expectations before the next task.
- Use more positive than corrective interactions (at a ratio of 3:1) between staff and students, students to students, and staff to staff.
- Utilize fluent and consistent corrections for early-stage misbehavior (e.g., CHAMPs, Teacher Encyclopedia).
- Create classroom acknowledgment systems to increase responsible student behavior.
- Maintain positive expectations for all students, in all settings, at all times.
- Implement effective instructional practices.
- Actively engage students in learning.
- Provide immediate positive feedback.
- Build positive relationships with students and families (e.g., utilize RP circles).
- Teach prevention lessons (e.g., social and emotional learning, bullying prevention, suicide prevention, and trauma-informed practices).

**Teacher-Based Action to Reduce and Eliminate Misbehavior**

- Provide lessons to teach or reteach the student how to behave responsibly.
- Change student seating.
- Pace the lesson more quickly to promote on-task behavior.
- Actively ignore misbehavior.
- Respond calmly, restating the desired behavior.
- Restructure classroom practices based on student needs (e.g., structured recess, structured lunch, visual schedules).
- Use progress-monitoring tools (e.g., on-task monitoring form, replacement behavior worksheet, ratio of interactions tracking form, reflection sheets, behavior contracts, student point sheets).
- Establish and consistently implement corrective responses for rule violations (e.g., student loses time for valued activity, in-class time-out, time-out in another class, restitution given for property damage, restitution given for relationship damage, positive practice, loss of points or privileges).
- Communicate teacher-based actions with parent.
- Utilize restorative affective statements and affective questions.
- Student-teacher impromptu conferencing with active listening



	<p><b>Examples of Evidence-Based Schoolwide Supports</b></p> <p>These interventions often involve support staff, both school-based and within the broader community, and aim to engage the student’s support system to ensure successful learning and consistency of interventions and to change the conditions that contribute to the student’s inappropriate or disruptive behavior. Staff should use these responses in a graduated fashion.</p> <ul style="list-style-type: none"> <li>• Create positive schoolwide expectations that are clearly defined and taught.</li> <li>• Continuously teach and reteach schoolwide expectations throughout the year (e.g., schedule for teaching by week/month, after breaks).</li> <li>• Model and practice expectations in appropriate settings (e.g., cafeteria, hallways, bus, restroom).</li> <li>• Establish a schoolwide acknowledgment system with opportunities for individual and schoolwide recognition.</li> <li>• Effectively and actively supervise in common areas (e.g., all staff in hallways during transition, hallway sweeps).</li> <li>• Increase supervision in nonclassroom settings.</li> <li>• Refer to before- and after-school programs for additional support.</li> <li>• Employ targeted strategies for groups of students (e.g., mentoring programs, bullying prevention lessons for selected students, suicide prevention drop-in centers).</li> <li>• Design social and emotional skills instruction groups (e.g., conflict-management, anger-management, aggression-replacement, organizational skills).</li> <li>• Establish an individual student-support, response, or problem-solving team.</li> <li>• Establish in-school conflict resolution programs (e.g., community conferencing, peer mediation).</li> <li>• RP strategies (e.g., affective statements and questions, conflict resolution, responsive circles)</li> </ul> <ul style="list-style-type: none"> <li>• Use parent engagement strategies (e.g., newsletters, family nights).</li> <li>• Design support and advisory groups that engage parents, students, and the community.</li> <li>• Use universal screeners and assessments to proactively identify students in need of supports (e.g., Strengths and Difficulties Questionnaire, Student Risk Screening Scale).</li> <li>• Use responsive interventions and appropriate referrals (e.g., JCPs Crisis Response Team, Louisville Linked, Seven Counties School-Based Services, referrals to Family Resource and Youth Services Centers [FRYSCs], social services).</li> <li>• Refer to school-based health or mental health clinic.</li> <li>• Mental health evaluation referral (e.g., mobile assessments, counseling services)</li> <li>• Alcohol/Drug evaluation referral (e.g., Substance Abuse Intensive Outpatient Program [IOP])</li> <li>• Threat assessment evaluation referral</li> <li>• Refer to community organizations, including conferencing and community mediation.</li> <li>• Parent/Guardian notification</li> <li>• Service to school</li> <li>• RP strategies</li> <li>• Use individual student planning tools (e.g., Behavior Support Plan, Behavior Function Identification Worksheet, Behavior Collection Form).</li> </ul>
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<p><b>LEVELS 1 and 2:</b> Administration will be appropriate since supports have been put in place in the classroom to address behavior, but the behavior has continued to negatively affect the learning of the students and others.</p>	<p><b>Examples of Administrative Interventions and Responses</b> These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these responses in a graduated fashion.</p>	
<p><b>LEVEL 3:</b> Short-Term Suspension— May be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses)</p>	<p><b>Examples of Suspension and Referral Responses</b> These interventions may involve the short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior (one to three days). Staff should use these responses in a graduated fashion.</p>	
	<ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Parent/Guardian/Student/Teacher/ Administrator conference</li> <li>• Change in schedule or class (with notification to parent/guardian)</li> <li>• Short-term placement in a Positive Action Center, time-out, or in-school suspension.</li> <li>• Assignment to detention</li> <li>• Refer to individual student-support, response, or problem-solving team.</li> <li>• Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan, Behavior Function Identification Worksheet, Behavior Collection Form).</li> <li>• Mental health evaluation referral (e.g., mobile assessments, counseling services)</li> <li>• Alcohol/Drug evaluation referral (e.g., Substance Abuse IOP)</li> </ul>	<ul style="list-style-type: none"> <li>• Threat assessment evaluation referral</li> <li>• Refer to social and emotional skills instruction groups (e.g., conflict-management, anger-management, aggression-replacement, organizational skills).</li> <li>• Refer to mentoring program.</li> <li>• Refer to community organizations, including conferencing and community mediation.</li> <li>• Refer to in-school conflict resolution programs (e.g., community conferencing, peer mediation).</li> <li>• Reflective or constructive assignment</li> <li>• Loss of privileges</li> <li>• Restitution</li> <li>• RP strategies (e.g., conflict circle)</li> </ul>
	<ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Parent/Guardian/Student/Teacher/ Administrator conference</li> <li>• Refer to individual student-support, response, or problem-solving team.</li> <li>• Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan, Behavior Function Identification Worksheet, Behavior Collection Form).</li> <li>• Mental health evaluation referral (e.g., mobile assessments, counseling services)</li> <li>• Alcohol/Drug evaluation referral (e.g., Substance Abuse IOP)</li> <li>• Threat assessment evaluation referral</li> </ul>	<ul style="list-style-type: none"> <li>• Develop, review, or revise student reentry plan for optimal success upon reentry in the school.</li> <li>• Obtain consent for the creation of a new Functional Behavior Assessment (FBA), or modify the current Behavior Intervention Plan (BIP).</li> <li>• Refer to community organizations, including conferencing and community mediation.</li> <li>• RP strategies (e.g., responsive circle)</li> <li>• Short-term suspension (one to three days)</li> </ul>

<p><b>LEVEL 4:</b> Request for Long-Term Suspension—May be appropriate when student's behavior seriously affects the safety of others in the school</p>	<p><b>Example of Extended Suspension and Referral Responses</b> These interventions involve the removal of a student from the school environment because of the severity of the behavior. The duration of the long-term suspension is to be limited as much as practicable while adequately addressing the behavior (six to ten days). They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.</p>	
	<ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Parent/Guardian/Student/Teacher/ Administrator conference</li> <li>• Refer to individual student-support, response, or problem-solving team.</li> <li>• Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan, Behavior Function Identification Worksheet, Behavior Collection Form).</li> <li>• Mental health evaluation referral (e.g., mobile assessments, counseling services)</li> <li>• Alcohol/Drug evaluation referral (e.g., Substance Abuse IOP)</li> <li>• Threat assessment evaluation referral</li> </ul>	<ul style="list-style-type: none"> <li>• Develop, review, or revise student reentry plan for optimal success upon reentry in the school.</li> <li>• Obtain consent for the creation of a new FBA, or modify the current BIP.</li> <li>• RP strategies (e.g., transition circle, family conferences)</li> <li>• Long-term suspension (six to ten days)</li> <li>• Long-term suspension may be referred to the assistant director of Student Due Process for a conference and decision.</li> <li>• Recommendation for Success Pathway placement</li> </ul>

Corporal punishment is prohibited as a method of correcting behavior.

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

The administrator meets with the student. The administrator:

1. Reads the referral form to the student.
2. Allows the student to respond to the charges and evidence.
3. Conducts an investigation, if necessary.
4. Decides what action to take and records it on the form.
5. Informs the student of the action to be taken and has the student sign the form.
6. Notifies the parent/guardian of the disciplinary action, as appropriate.
7. Requires the student, if necessary, to take the form home to be signed by his or her parent/guardian and returned to school.
8. Distributes copies of the form.

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 (FERPA). Suspensions shall be placed in the individual student's disciplinary record.

## Progressive Discipline Process

**Progressive Intervention and Discipline**—Every reasonable effort should be made to correct inappropriate student behavior using logical consequences and restorative action. Significant disciplinary responses, such as out-of-school suspension, are used for the most serious situations. When an exclusionary disciplinary response is used (e.g., in-school suspension, out-of-school suspension), it must be paired with one or more interventions. In a progressive approach to intervention and discipline, students have the space to make mistakes, learn from them, and receive support to change their behavior over time. When a specific student behavior does not change using the lowest identified level of intervention and/or discipline—or the behavior increases in frequency, intensity, or duration—the next level of intervention/disciplinary response is used. The progressive approach to intervention and discipline does not apply to most Level 4 offenses. All interventions and disciplinary responses should be selected, implemented, and assessed to help students do the following:

- Understand why the behavior is unacceptable and the harm it has caused
- Take responsibility for their actions
- Understand what they could have done differently in the same situation
- Learn social strategies and skills to use in the future
- Understand the progression of more serious consequences if the behavior reoccurs

Because inappropriate behavior may be symptomatic of underlying problems that students are experiencing, it is critical that all staff be sensitive to issues that may influence student behavior and respond in ways that are most supportive of student needs. The interventions and disciplinary responses described here should be carefully matched to the needs of the student and the overall context of the situation.

If a Level 1 or Level 2 corrective strategy is used to address the same behavior more than three times, an administrator may use his or her professional judgment and move to a Level 3 response, resulting in a possible short-term suspension of one to three days. A parent/guardian should be made aware of the repeated behaviors and partner with the school on a plan to successfully address the behavior.

The discipline of Exceptional Child Education (ECE) students with disabilities is subject to state and federal law in addition to the *Student Support and Behavior Intervention Handbook*. To the extent any conflict exists, state and federal law will prevail. In deciding disciplinary measures, the local school will take into consider-

ation the district's ECE 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 IEP.

## Discipline Procedures for Early Childhood Preschool Students

School staff members shall adapt all disciplinary procedures and consequences to meet the developmental levels of the Early Childhood Preschool student. Itinerant, resource, and administrative staff of the Early Childhood Program shall be involved in the development and administration of discipline/remediation measures. An appropriate Admissions and Release Committee (ARC) meeting shall be conducted to discuss any discipline that would involve out-of-class placement for ECE Early Childhood students suspected of having disabilities.

## Due Process

Whenever a student is accused of committing a violation of the *Student Support and Behavior Intervention Handbook*, he or she has the right to due process. This means that he or 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.

Due-process procedures will be followed before any suspension, unless immediate suspension is necessary to protect persons or property or to avoid disruption of the ongoing educational process. In such cases, due-process procedures must be followed within three school days.

The appeal process for a suspension is outlined beginning on page 30.

## Right to Counsel

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

## Parent/Guardian Conference

The school may arrange a conference with the parent/guardian when proactive measures have been exhausted and the student is removed from the instructional environment. 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 due to circumstances beyond his or her control, attempts should be made to engage the parent via home visits and/or phone calls and 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.

## Retaliation and Discrimination Prohibited

Employees and other students shall not retaliate or discriminate against a student because he or she reports a violation of the handbook 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.

## Attendance/Tuancy Policy

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. Students are required to sign in on an Entry Log if they are late to school or to sign out of school on an Exit Log if they leave the building during any part of the instructional day.

As of July 1, 2015, new school attendance laws (KRS 159.010) went into effect, which require all students to attend school until they are 18 years old or have completed a high school program. Students who have previously dropped out but are younger than 18 years old must reenroll in school or they will be considered truant under the law. JCPS staff are here to support each student with reenrollment and to ensure that he or she finds an educational program that is engaging and beneficial to his or her future.

The district records excused and unexcused absences daily to comply with Kentucky law, KRS 159.150, which states, "Any child who has attained the age of six years but has not reached his or her eighteenth birthday, who

has been absent from school without a valid excuse for three or more days, or [who has been] tardy without a valid excuse on three or more days is a truant. Any student enrolled in a public school who has attained the age of 18 years but has not reached his or her twenty-first birthday, who has been absent from school without a valid excuse for three or more days, or [who has been] tardy without a valid excuse on three or more days is a truant." The law defines an *habitual truant* as "any student who has been reported as truant two or more times."

Kentucky law, KRS 159.990, holds accountable a public school student who has attained the age of 18, but who has not reached his or her twenty-first birthday, if the student fails to comply with school truancy laws; holds accountable the parent/guardian or custodian of a public school student who has not reached his or her eighteenth birthday if the student fails to comply with school truancy laws; and holds accountable the court-appointed guardian of a public school student who has been identified as an exceptional child or youth and has not reached his or her twenty-first birthday if the student fails to comply with school truancy laws. Any parent/guardian or custodian who fails to comply with the requirements may face fines of \$100 for the first offense and \$250 for the second offense and may be charged with a Class B misdemeanor for each subsequent offense. Charges of educational neglect and/or unlawful transaction with a minor may also be filed.

An excused absence or tardy is one for which work may be made up. Excused absences and tardies include such circumstances and occasions as a death or severe illness in the student's immediate family, an illness of the student, religious holidays and practices, one day for attendance at the Kentucky State Fair, and other valid reasons as determined by the principal. When a student accumulates a total of ten full-day absences due to illness, parents are required to present a written statement from a medical professional (e.g., doctor, dentist, psychologist) for additional absences during the current school year in order for the student to be excused.

If a student's parent or legal guardian is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve unit, and is called to federal active duty, a JCPS principal will grant the student an excused absence for one school day when the parent/guardian is deployed.

The student will also be granted an excused absence for one school day when the parent/guardian returns from deployment. If a student's parent/guardian is stationed out of the country and is granted rest and

recuperation leave, the student will be allowed up to ten excused absences for visitation. A student receiving an excused absence for these purposes shall be considered present in school and will have the opportunity to make up schoolwork missed and will not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

Excused absences for the purpose of educational enhancement may be granted for up to ten school days in order for a student to pursue an opportunity that the local school administrator determines to be of significant educational value, provided that the date(s) requested does not conflict with state or district testing periods. This opportunity may include, but is not limited to, participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one of the core curriculum subjects of English, science, mathematics, social studies, foreign language, or the arts. A principal's determination may be appealed to the superintendent/designee, whose decision may then be appealed to the Board of Education. A student receiving an excused absence to pursue an educational enhancement opportunity shall be considered present in school during the excused absence.

Parents/Guardians are to notify the school on the day on which their child is absent and provide notes to explain and confirm excused absences and tardies within three school days of the student's return.

When a student is habitually absent, the local school clerical and/or administrative staff will:

- Refer the student to the FRYSC coordinators, where available, who will work with the student and his or her family in support of regular attendance.
- Notify the parent/guardian by telephone or in writing of unexcused absence(s).
- Send a letter to the parent/guardian stating that the student is truant after the third unexcused absence.
- Hold a conference with the parent/guardian after the sixth unexcused absence.
- Notify the Pupil Personnel Department electronically after the sixth unexcused absence and state any interventions conducted at the local school.

When a student has six or more unexcused absences:

- An assistant director of Pupil Personnel or a school social worker may visit the home of the student.
- A final notice may be served in person or sent by certified mail to the parent/guardian.

- An assistant director of Pupil Personnel or a school social worker may require a parent/guardian conference and/or file an educational neglect report with Child Protective Services (CPS).
- A student may be referred to Family Court by the assistant director of Pupil Personnel and may be subject to legal action if absences continue to accumulate.
- Students who continue to be absent from school may be required to attend a formal district-level review with their parent/guardian to recommend further services or interventions.

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## 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 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 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.



## Behavior and Range of Corrective Strategies

See page 20 for the Progressive Discipline Process.

Grades  
Pre-K-5

### LEVEL 1

These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school and in the classroom. These interventions will typically involve a **parent/guardian conference, office time-out, cooling-off period, peer mediation, referral to student support staff, or detention**. Staff should use these responses in a graduated fashion.

### LEVEL 2

These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. These interventions will typically involve **short-term time in a Positive Action Center (PAC), time-out, or in-school suspension**. Staff should use these responses in a graduated fashion.

### LEVEL 3

These interventions will involve the short-term removal of a student from the school environment because of the severity of the behavior (**short-term [one to three days] out-of-school suspension**). The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.

### LEVEL 4

These interventions involve the removal of a student from the school environment because of the severity of the behavior (**long-term [six to ten days] out-of-school suspension**). They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.

BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Unexcused tardiness to class/Nonattendance to class	●	●		
Spitting	●	●	●	
Leaving class without permission	●	●		
Intentionally throwing or releasing an object that has the potential to cause a disturbance, injury, or property damage, when the act of throwing or releasing the object is not part of a supervised activity	●	●	●	
Talking out in class	●	●		
Failure to respond to questions or requests	●	●		
False information to staff	●	●		
Taunting, baiting, inciting a fight	●	●	●	
Excessive noise	●	●		
Horseplay	●	●		
Cheating/Academic dishonesty (results in academic consequence)	●			
Dress code violation	●	●		
Inappropriate use of district technology	●	●		
Violation of personal electronic/telecommunication device policy Making, transmitting, or distributing any recording of the voice, picture, or image—that has not been approved by or authorized by the school—of any other student, staff member, or other persons in any nonemergency situation and without the consent of the person(s) recorded				
Pre-K through grade three	●	●		
Grades four and five	●	●	●	
Failure to attend detention	●	●		
Loitering on school grounds	●			
Leaving school grounds without permission	●	●	●	
Forgery/Counterfeiting The creation or alteration of a written instrument (e.g., check, transcript, identification, currency, communication, or any other official document)	●	●		
Profanity/Vulgarity Swearing, cursing, using hate speech, or making obscene gestures	●	●		
Profanity/Vulgarity toward staff Swearing, cursing, using hate speech, or making obscene gestures toward staff	●	●	●	
Gambling Games of chance or skill for money or profit	●	●		
Use/Possession of tobacco products and electronic cigarettes Any form of tobacco (e.g., cigarettes, cigars, loose tobacco, dip, chew, electronic cigarettes, or similar instruments) except as prescribed by a medical doctor (e.g., nicotine replacement gum or patches)	●	●		
Theft/Vandalism Theft—A person is guilty of theft by unlawful taking or disposition when he or she unlawfully: (a) Takes or exercises control over movable property of another with intent to deprive him or her thereof; or (b) Obtains immovable property of another or any interest therein with intent to benefit himself or herself or another not entitled thereto. Vandalism—Damaging or defacing school property or the property of school personnel/students (includes criminal mischief)				
Pre-K through grade three (less than \$500)	●	●		
Grades four and five (less than \$500)	●	●	●	
Pre-K through grade three (more than \$500)	●	●	●	
Grades four and five (more than \$500)		●	●	●



**LEVEL 1**

These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school and in the classroom. These interventions will typically involve a **parent/guardian conference, office time-out, cooling-off period, peer mediation, referral to student support staff, or detention**. Staff should use these responses in a graduated fashion.

**LEVEL 2**

These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. These interventions will typically involve **short-term time in a Positive Action Center (PAC), time-out, or in-school suspension**. Staff should use these responses in a graduated fashion.

**LEVEL 3**

These interventions will involve the short-term removal of a student from the school environment because of the severity of the behavior (**short-term [one to three days] out-of-school suspension**). The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.

**LEVEL 4**

These interventions involve the removal of a student from the school environment because of the severity of the behavior (**long-term [six to ten days] out-of-school suspension**). They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.

**Behavior and Range of Corrective Strategies**

See page 20 for the Progressive Discipline Process.

**Grades  
Pre-K-5**

BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Robbery</b> Theft involving the use of physical force, deadly weapons, or dangerous instruments			●	●
<b>Fighting/Striking student</b> 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, threats, intimidation, and other encounters where no injury is intended)	●	●	●	
<b>Fighting/Striking faculty, staff, or other officials</b> 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		●	●	●
<b>Intimidation/Harassment/Harassing communications with staff</b>		●	●	●
<b>Intimidation/Harassment/Harassing communications with student</b>		●	●	●
<b>Interference with staff</b>		●	●	●
<b>Bullying/Cyberbullying</b>		●	●	●
<b>Drug/Alcohol possession/Under the influence</b> (referral for treatment) Includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, drug paraphernalia, and look-alike drugs/alcohol	●	●	●	
<b>Drug/Alcohol/Tobacco/Electronic cigarette distribution</b> Includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, look-alike drugs/alcohol, and synthetic drugs		●	●	●
<b>Assault/Sexual abuse/Sexual assault/Criminal abuse</b> 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.			●	●
<b>Inappropriate sexual behavior</b> Includes possession of pornography, sexual contact, and indecent exposure				
<b>Pre-K through grade three</b>	●	●	●	
<b>Grades four and five</b>		●	●	
<b>Arson</b> Attempting to set, aiding in setting, or setting a fire			●	●
<b>Weapons/Dangerous instruments</b> 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.)		●	●	●
<b>Bomb threats/False fire alarms/False police reports/Terroristic threatening/Fireworks/Explosives</b>			●	●
<b>All other criminal offenses: kidnapping, extortion, etc. (law)</b>			●	●

## Behavior and Range of Corrective Strategies

See page 20 for the Progressive Discipline Process.

Grades 6–12

### LEVEL 1

These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school and in the classroom. These interventions will typically involve a **parent/guardian conference, office time-out, cooling-off period, peer mediation, referral to student support staff, or detention**. Staff should use these responses in a graduated fashion.

### LEVEL 2

These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. These interventions will typically involve **short-term time in a Positive Action Center (PAC), time-out, or in-school suspension**. Staff should use these responses in a graduated fashion.

### LEVEL 3

These interventions will involve the short-term removal of a student from the school environment because of the severity of the behavior (**short-term [one to three days] out-of-school suspension**). The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.

### LEVEL 4

These interventions involve the removal of a student from the school environment because of the severity of the behavior (**long-term [six to ten days] out-of-school suspension**). They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.

BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Unexcused tardiness to class/Nonattendance to class	●	●		
Spitting	●	●	●	
Leaving class without permission	●	●		
Intentionally throwing or releasing an object that has the potential to cause a disturbance, injury, or property damage, when the act of throwing or releasing the object is not part of a supervised activity	●	●	●	
Talking out in class	●	●		
Failure to respond to questions or requests	●	●	●	
False information to staff	●	●	●	
Taunting, baiting, inciting a fight	●	●	●	
Excessive noise	●	●		
Horseplay	●	●	●	
Cheating/Academic dishonesty (results in academic consequence)	●			
Dress code violation	●	●		
Inappropriate use of district technology	●	●		
Violation of personal electronic/telecommunication device policy				
Making, transmitting, or distributing any recording of the voice, picture, or image—that has not been approved by or authorized by the school—of any other student, staff member, or other persons in any nonemergency situation and without the consent of the person(s) recorded	●	●	●	
Failure to attend detention	●	●		
Loitering on school grounds	●	●		
Leaving school grounds without permission	●	●	●	
Forgery/Counterfeiting				
The creation or alteration of a written instrument (e.g., check, transcript, identification, currency, communication, or any other official document)	●	●	●	
Profanity/Vulgarity				
Swearing, cursing, using hate speech, or making obscene gestures	●	●		
Profanity/Vulgarity toward staff				
Swearing, cursing, using hate speech, or making obscene gestures toward staff	●	●	●	
Gambling				
Games of chance or skill for money or profit				
Grades six through eight	●	●		
Grades nine through twelve	●	●	●	
Use/Possession of tobacco products and electronic cigarettes				
Any form of tobacco (e.g., cigarettes, cigars, loose tobacco, dip, chew, electronic cigarettes, or similar instruments) except as prescribed by a medical doctor (e.g., nicotine replacement gum or patches)	●	●		
Theft/Vandalism				
Theft—A person is guilty of theft by unlawful taking or disposition when he or she unlawfully: (a) Takes or exercises control over movable property of another with intent to deprive him or her thereof; or (b) Obtains immovable property of another or any interest therein with intent to benefit himself or herself or another not entitled thereto. Vandalism—Damaging or defacing school property or the property of school personnel/students (includes criminal mischief)				
Less than \$500		●	●	
More than \$500			●	●



**LEVEL 1**

These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school and in the classroom. These interventions will typically involve a **parent/guardian conference, office time-out, cooling-off period, peer mediation, referral to student support staff, or detention**. Staff should use these responses in a graduated fashion.

**LEVEL 2**

These interventions will involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. These interventions will typically involve **short-term time in a Positive Action Center (PAC), time-out, or in-school suspension**. Staff should use these responses in a graduated fashion.

**LEVEL 3**

These interventions will involve the short-term removal of a student from the school environment because of the severity of the behavior (**short-term [one to three days] out-of-school suspension**). The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.

**LEVEL 4**

These interventions involve the removal of a student from the school environment because of the severity of the behavior (**long-term [six to ten days] out-of-school suspension**). They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.

## Behavior and Range of Corrective Strategies

See page 20 for the Progressive Discipline Process.

Grades 6–12

BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<b>Robbery</b> Theft involving the use of physical force, deadly weapons, or dangerous instruments			•	•
<b>Fighting/Striking student</b> 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, threats, intimidation, and other encounters where no injury is intended)			•	•
<b>Fighting/Striking faculty, staff, or other officials</b> 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			•	•
<b>Intimidation/Harassment/Harassing communications with staff</b>		•	•	•
<b>Intimidation/Harassment/Harassing communications with student</b>		•	•	•
<b>Interference with staff</b>		•	•	•
<b>Bullying/Cyberbullying</b>		•	•	•
<b>Drug/Alcohol possession/Under the influence</b> (referral for treatment/intervention) Includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, drug paraphernalia, and look-alike drugs/alcohol		•	•	
<b>Drug/Alcohol/Tobacco/Electronic cigarette distribution</b> Includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, look-alike drugs/alcohol, and synthetic drugs		•	•	•
<b>Assault/Sexual abuse/Sexual assault/Criminal abuse</b> 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.			•	•
<b>Inappropriate sexual behavior</b> Includes possession of pornography, sexual contact, and indecent exposure				
<b>Grades six through eight</b>		•	•	•
<b>Grades nine through twelve</b>			•	•
<b>Arson</b> Attempting to set, aiding in setting, or setting a fire			•	•
<b>Weapons/Dangerous instruments</b> 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.)			•	•
<b>Bomb threats/False fire alarms/False police reports/Terroristic threatening/Fireworks/Explosives</b>			•	•
<b>All other criminal offenses: kidnapping, extortion, etc. (law)</b>			•	•



## Suspension Procedures

A principal, assistant principal, or head teacher can suspend a student for offenses as outlined on the Behavior and Range of Corrective Strategies charts beginning on page 23.

- ECE students, those who are disabled under Section 504 of the Rehabilitation Act of 1973, and students who are being assessed for suspected disabilities have additional rights guaranteed under federal and state laws. These are addressed on page 29.
- A short-term, local school suspension is for one to three school days.
- A district suspension is for six to ten school days.
- District suspensions may be referred to the assistant director of Student Due Process for a conference and decision.
- An ECE student may not be suspended to the district for fewer than two school days.
- A suspension of one to ten school days requires an informal hearing in which the student is told of the charge against him or her, is given a chance to present his or her perspective regarding the incident, and is given the right to appeal the decision. If a student is believed to be a danger to himself or herself or to others, he or she may be suspended first and an informal hearing will be scheduled afterward (within three school days).
- A district suspension of 11 to 20 school days requires a formal hearing unless such a hearing is waived by the parent/guardian. The procedures for a formal hearing are outlined on this page.
- A student on suspension may not enter the school or go on any JCPS school grounds unless arrangements for him or her to do so are made with an administrator. The student may not attend any day or night JCPS-sponsored function or ride a JCPS bus. Any violation of these conditions will result in further disciplinary action.
- Make-up work may be requested by a student within three school days of his or her return from suspension. Make-up work will include only written daily work, tests, and major projects. Some class work cannot be duplicated and therefore cannot be made up. Make-up work will be provided to the student as arranged with the teacher. The student will have the number of school days of suspension plus one school day from the time he or she receives the make-up work to submit it to the teacher. When an absence or suspension occurs at the end of a semester or school year, the student or parent/guardian can make arrangements with the school administrator to take tests and turn in major projects. (See page 22.)

- A suspension will be for a definite number of school days and cannot be extended.
- Within one day of the informal hearing, the administrator will inform (verbally and/or in writing) the parent/guardian of the decision to suspend a student.

### Formal Hearing

When a student has been suspended to the district for 11 to 20 school days, he or she is entitled to a formal hearing.

- The hearing will be held within three school days of notification of suspension.
- The parent/guardian will be notified of the date, time, and place of the hearing.
- The hearing officer will be appointed by the superintendent/designee.
- Written charges and information collected to support the charges will be provided to the student and the parent/guardian.
- The student will have a chance to present a defense to the charges and may be represented by an attorney at his or her own expense.
- The student will be allowed to present witnesses.
- The parent/guardian may waive the right to the formal hearing.
- The parent/guardian will receive the decision of the hearing officer within five school days.
- A written transcript of the hearing will be provided if requested.

## Suspension Procedures for ECE Students

The following section applies to students who have a disability and are receiving special education and related services or are in the process of being identified, located, evaluated, and possibly placed in the ECE Program.

School officials may suspend students with disabilities and cease educational services for a total of up to five consecutive or five cumulative school days in one school year without providing special education procedural safeguards. An ARC meeting is required for all suspensions of more than five cumulative days in a given school year. Saturday and before- and after-school detentions do not count toward the days of suspension. Additionally, in-school suspensions do not count toward the days of suspension if students with disabilities continue to participate in the general education curriculum and receive their IEP services by an ECE-certified teacher. The principal or his or her designee has discretion to

suspend students with disabilities for fewer days than set forth for a single offense.

Given these procedural safeguards stated above, school officials may suspend students with disabilities for up to ten cumulative school days a year. Federal regulations offer some flexibility in suspending students in excess of ten school days in a school year in certain circumstances and with the provision of appropriate educational services.

In order to determine whether the circumstances permit a suspension in excess of ten days per school year, consultation with and approval from a school's Achievement Area assistant superintendent are required. Without such consultation with and approval from the Achievement Area assistant superintendent, the cumulative ten-school-day limit on school suspensions will apply.

The ARC assembles for all suspensions of more than five cumulative days in a given school year. The ARC convenes within ten days of the date on which the decision is made regarding the proposed suspension.

**Prior to the ARC meeting, the ARC chairperson:**

1. Provides a written Notice of Meeting to the parents of the student with a disability at least 24 hours prior to the ARC meeting. The ARC chairperson provides a copy of the Procedural Safeguards Notice (parent rights) to the parent.
2. Invites and ensures full participation of the following core members: ARC chairperson, regular education teacher of the student, special education teacher of the student, student (invitation required for students in eighth grade or age 14 or older; if younger than age 14, as appropriate), others as appropriate (e.g., school counselor, school psychologist, community agency representatives).

**During the ARC meeting, the membership:**

1. Analyzes the behavior of concern in depth and determines whether there has been a series of previous behavior incidents or removals that constitute a pattern of behavior.
2. Considers all relevant information, including the IEP, FBA, BIP, progress data, observations, Behavior Incident Logs, disciplinary reports from current and past school years, information provided by the parents, and any evaluation information that describes the specific behavior(s).
3. Considers, if appropriate, gaining permission to plan/conduct an FBA.

4. Develops and implements a BIP if an FBA has already been conducted. In the event that the BIP is greater than one year old or does not exist, the ARC develops and implements the BIP.
5. Reviews and modifies the IEP, FBA, and BIP, as necessary, to include appropriate specially designed instruction and behavior intervention services and modifications that are designed with sufficient intensity to address the behavior violation such that it does not recur.
6. Considers the use of PBIS and other strategies to address the behavior of concern for a student whose behavior impedes the student's learning or that of others.
7. Discusses steps taken by the school to address the behavior of concern subject to suspension.
8. Conducts a Manifestation Determination.

The ARC conducts the Manifestation Determination by reviewing the IEP and placement in relation to the behavior in question to determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability.
- If the behavior in question was the direct result of the district's failure to implement the IEP/BIP.

The ARC will determine that the behavior is not a manifestation of the student's disability if the conduct in question was not caused by, or had no direct and substantial relationship to, the student's disability or was not the direct result of the district's failure to implement the IEP/BIP. If the behavior is not a manifestation, the student may be disciplined in accordance with the *Student Support and Behavior Intervention Handbook* up to ten cumulative days of suspension in a school year.

The ARC will determine that the behavior is a manifestation of the student's disability if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or the conduct was a direct result of the district's failure to implement the IEP/BIP. If the determination is that the IEP/BIP have not been implemented, the district must take immediate steps to remedy those deficiencies. The ARC conducts an FBA if not completed prior to the change in placement. The ARC reviews the BIP if developed and modifies it to address the behavior. If the behavior has not been previously addressed in the IEP, the ARC should include the development of strategies, including positive behavior interventions, strategies, and supports, to address the behavior. If the behavior is a manifestation of the disability, the ARC will:



- Return the student to the placement from which the student was removed; and
- The student may be disciplined in accordance with the *Student Support and Behavior Intervention Handbook* up to ten cumulative days of suspension in a school year; or
- The ARC and the parent may agree to a change in placement as part of the modification of the IEP and BIP; or
- In the case of behavioral violations involving illegal drugs, weapons, or serious bodily injury, the ARC may order a change in placement to an interim alternative setting up to 45 school days.

## Referral to Alternative Placement

For students with very serious behavior violations, the school may suspend the ECE student to the district for a minimum of two days and refer the student to Student Due Process for an assessment and conference with the assistant director of Student Due Process. If the ARC considers referral to a district alternative placement as part of the district's continuum of placement options, the ARC chairperson must secure consultation from the ECE coordinator of placement or his or her designee. Given consultation, the ARC chairperson:

- Invites a representative of the Referral Team to the ARC meeting.
- Conducts an ARC meeting following the steps on page 28 ("Prior to the ARC meeting" and "During the ARC meeting"), including Manifestation Determination.
- If a determination is made at the ARC meeting that the behavior is a manifestation of the student's disability, the student should be returned to the placement from which the student was removed unless the parent and the district agree to a change in placement. If the behavior is not a manifestation of the student's disability, the student may be disciplined in the same manner and for the same duration as the relevant procedures would be applied to students without disabilities and be placed in an alternative setting.

In the event of a behavior violation involving drugs, weapons, or serious bodily injury in which an interim alternative placement is considered, the ARC chairperson shall secure consultation from the coordinator of ECE placement or his or her designee. The ARC chairperson completes the steps listed on page 28 in "Prior to the ARC meeting" and "During the ARC meeting," including completion of Manifestation Determination. A disciplinary change of placement may occur for up to

45 school days, even if the behavior is determined to be a manifestation of the disability. The ARC may order a change in placement to an interim alternative setting for not more than 45 school days, even if the parent is not in agreement with the proposed placement. If the parent refuses a change of placement as determined by the ARC, the district may choose to request an expedited due process hearing. Following the 45 school days, another ARC is convened to consider all placement options, including an alternative placement.

This section is a summary of more detailed administrative procedures, which are aligned with the Individuals with Disabilities Education Improvement Act (IDEIA) Amendments of 2004.

## Suspension Procedures for Students Disabled Under Section 504

Discipline procedures for disabled students as defined by Section 504 of the Rehabilitation Act of 1973 follow guidelines similar to those that apply to students with disabilities identified under IDEIA.

The Section 504 Team completes a Manifestation Determination after a student has been suspended for more than five days within any school year. If the behavior is a manifestation of the disability, the student may be disciplined in accordance with the *Student Support and Behavior Intervention Handbook* up to ten cumulative days of suspension in a school year. The Section 504 Team considers the following:

- Revising the Section 504 Adaptation Plan
- Completing/Revising an FBA and a BIP

In the case of an illegal drug/alcohol offense, according to 29 U.C.S. Section 705(20)(C)(iv), as indicated by the Office of Civil Rights, "Students eligible under Section 504 lose the right to a Manifestation Determination and due process hearing if they violate illegal drug or alcohol rules and are determined to be 'current users.' See 29 U.S.C. Section 705(20)(C)(iv). Thus, if there is evidence that the student is a current illegal drug or alcohol user, the Section 504 committee can skip the Manifestation Determination, and the student is subject to the regular disciplinary process that would take place in the case of an illegal drug or alcohol offense by a nondisabled student. If there is no evidence that the student is a current user, it must proceed to make the Manifestation Determination."



Local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities.

## Due Process and Appeal

Whenever a student is accused of committing a violation of the *Student Support and Behavior Intervention Handbook*, he or she has the right to due process. This means that he or 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.

### The steps in the process for the appeal of a suspension are outlined on the following pages.

A student or parent/guardian may request that the student stay in school during the appeal of a suspension. A student determined by the principal to be a danger to himself or herself or to others or who is highly likely to be so destructive or disruptive that the education of other students cannot continue in a safe and orderly manner shall not be allowed to attend school during the appeal process unless he or she is referred to an alternative placement.

Appeals are to be made in writing and mailed/delivered to the appropriate administrator. If a parent/guardian/student needs help writing a letter of appeal, he or she may contact Student Due Process at **485-3335** for assistance. Refer to the chart on page 32.

Failure to follow the appeal procedures within the prescribed time limits as described herein will nullify the right of a student or his or her parent/guardian to appeal.

### Appeal Procedure for Short-Term/Local School Suspensions—One to Three School Days

The following procedures are required when a parent/guardian/student appeals a short-term/local school suspension of one to three school days.

1. Write a letter explaining your reasons for appealing the suspension to the school administrator who suspended the student. Take or mail the appeal letter to the school within three school days after the first day of the suspension.

2. If your appeal is denied by the administrator who suspended the student, 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 who suspended the student.
3. If your appeal is denied by the principal, you may appeal to the Achievement Area assistant superintendent (Jefferson County Public Schools, VanHoose Education Center, 3332 Newburg Road, Louisville, KY 40218). 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. This is the last step in the appeal process. Refer to the chart on page 32.

### Appeal Procedure for District Suspensions—Six to Ten School Days

The following procedures are required when a parent/guardian/student appeals a district suspension of six to ten school days.

1. Write a letter explaining your reasons for appealing the suspension to the school administrator who suspended the student. Take or mail the appeal letter to the school within three school days after the first day of the suspension.
2. If your appeal is denied by the administrator who suspended the student, you may appeal in writing to the principal. The appeal letter must be delivered to the school within five school days of the day you receive your answer from the administrator who suspended the student.
3. If your appeal is denied by the principal, you may appeal to the appropriate assistant director of Student Due Process (Jefferson County Public Schools, Lam Building, 4309 Bishop Lane, Louisville, KY 40218). 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 assistant director of Student Due Process, you may appeal to the director of Student Due Process (Jefferson County Public Schools, Lam Building, 4309 Bishop Lane, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the assistant director of Student Due Process.
5. If your appeal is denied by the director of Student Due Process, you may appeal to the assistant superintendent for Achievement Area 5 (Jefferson County Public Schools, VanHoose Edu-

ation Center, 3332 Newburg Road, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your letter from the director of Student Due Process. This is the last step in the appeal process. Refer to the chart on page 32.

### Appeal Procedure for District Suspension With Recommendation for Referral to an Alternative Placement

The following procedures are required when a parent/guardian/student appeals a district suspension and referral to an alternative placement.

1. Write a letter explaining your reasons for appealing the suspension to the school administrator who suspended the student. Take or mail the appeal letter to the school within three school days after the first day of the suspension.
2. If your appeal is denied by the administrator who suspended the student, you may appeal in writing to the principal. The appeal letter must be delivered to the school within five school days of the day you receive your answer from the administrator who suspended the student.
3. If your appeal is denied by the principal, you may appeal to the appropriate assistant director of Student Due Process (Jefferson County Public Schools, Lam Building, 4309 Bishop Lane, Louisville, KY 40218). 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 assistant director of Student Due Process, you may appeal to the director of Student Due Process (Jefferson County Public Schools, Lam Building, 4309 Bishop Lane, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the assistant director of Student Due Process.
5. If your appeal is denied by the director of Student Due Process, you may appeal to the Assistant Superintendent for Achievement Area 5 (Jefferson County Public Schools, VanHoose Education Center, 3332 Newburg Road, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the director of Student Due Process. If a student is not assigned to an alternative placement, this is the last step of the appeal process.

6. If your appeal is denied by the assistant superintendent for Achievement Area 5, you may appeal to the superintendent (Jefferson County Public Schools, VanHoose Education Center, 3332 Newburg Road, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the assistant superintendent for Achievement Area 5.
7. If your appeal is denied by the superintendent, you may appeal to the Board of Education (Jefferson County Public Schools, VanHoose Education Center, 3332 Newburg Road, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the superintendent. This is the last step in the appeal process. Refer to the chart on page 32.

### Appeal Procedure for Referral to an Alternative Placement

The following procedures are required when a parent/guardian/student appeals the referral to an alternative placement but does not appeal the suspension.

1. Write a letter explaining your reasons for appealing the decision to the appropriate assistant director of Student Due Process (Jefferson County Public Schools, Lam Building, 4309 Bishop Lane, Louisville, KY 40218). The letter must be mailed or delivered within five school days of the decision.
2. If your appeal is denied by the assistant director of Student Due Process, you may appeal to the director of Student Due Process (Jefferson County Public Schools, Lam Building, 4309 Bishop Lane, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the assistant director of Student Due Process.
3. If your appeal is denied by the director of Student Due Process, you may appeal to the assistant superintendent for Achievement Area 5 (Jefferson County Public Schools, VanHoose Education Center, 3332 Newburg Road, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the director of Student Due Process.
4. If your appeal is denied by the assistant superintendent for Achievement Area 5, you may appeal to the superintendent (Jefferson County Public Schools, VanHoose Education Center, 3332 New-



burg Road, Louisville, KY 40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the assistant superintendent for Achievement Area 5.

- If your appeal is denied by the superintendent, you may appeal to the Board of Education (Jefferson County Public Schools, VanHoose Education Center, 3332 Newburg Road, Louisville, KY

40218). The appeal must be made in writing and mailed or delivered within five school days of the day you receive your answer from the superintendent. This is the last step in the appeal process. Refer to the chart below.

A student may not be allowed to attend school during the appeal process if the principal believes that the student is a danger to himself or herself or to others.

<b>Appeal Process</b>			
<b>Short-Term/Local School Suspension—One to Three School Days</b>	<b>District Suspension—Six to Ten School Days</b>	<b>District Suspension With Recommendation for Referral to an Alternative Placement</b>	<b>Referral to an Alternative Placement</b>
Send/Take written appeal to: <b>Administrator Who Suspended Student</b> ↓ <b>Principal</b> ↓ <b>Assistant Superintendent</b>	Send/Take written appeal to: <b>Administrator Who Suspended Student</b> ↓ <b>Principal</b> ↓ <b>Assistant Director, Student Due Process</b> ↓ <b>Director, Student Due Process</b> ↓ <b>Assistant Superintendent for Achievement Area 5*</b>	Send/Take written appeal to: <b>Administrator Who Suspended Student</b> ↓ <b>Principal</b> ↓ <b>Assistant Director, Student Due Process</b> ↓ <b>Director, Student Due Process</b> ↓ <b>Assistant Superintendent for Achievement Area 5</b> ↓ <b>Superintendent</b> ↓ <b>Board of Education</b>	Send/Take written appeal to: <b>Assistant Director, Student Due Process</b> ↓ <b>Director, Student Due Process</b> ↓ <b>Assistant Superintendent for Achievement Area 5</b> ↓ <b>Superintendent</b> ↓ <b>Board of Education</b>
<div style="background-color: #cccccc; padding: 5px; border: 1px solid black;"> <b>Appeals must be made in writing. See pages 30 through 32 for addresses.</b> </div>			

\*If a student is not assigned an alternative placement, this is the last step of the appeal process.



## Alternative Placement

Alternative placement helps students improve academic skills, become more self-sufficient, and develop self-control. Students who fail to control their behavior after receiving repeated disciplinary measures from the school or students who commit serious offenses will be suspended to Student Due Process so that their cases may be expedited for alternative placement. If a student is charged with or convicted of a felony offense (or an offense that would be considered a felony if the student were an adult) committed off the school campus and while not engaged in a school-sponsored activity, Student Due Process may assign the student to an alternative school. The decision to assign a student to an alternative placement for off-campus behavior shall include a review and consideration of the exceptional status of the student and any appropriate federal and state laws. Students who enter JCPS from out of the district, from private or parochial schools, or from juvenile justice facilities may be referred to Student Due Process to determine appropriate placement.

A student who has been assigned to an alternative placement must complete the requirements of that program before he or she can return to another Jefferson County public school, unless his or her return is approved by the assistant superintendent for Achievement Area 5. Any student who assaults a staff member or brings a gun to school may or may not be allowed to return to his or her previously assigned school.

## Offenses Where Alternative Placement Is Considered

Offenses where alternative placement is considered include, but are not limited to, fighting, assault, striking students or school personnel, committing terroristic threatening, trafficking/ distributing drugs/alcohol, extorting, robbing, sexually assaulting, making bomb threats, possessing or transferring a deadly weapon, using a dangerous instrument as defined by the Criminal Code of Kentucky (includes look-alike weapons), committing arson with others present, and stealing or willfully or wantonly defacing, destroying, or damaging personal property of school personnel on or off school property or at school-sponsored activities. In situations that involve a staff assault, the student will be automatically placed in one of our behavior support alternative sites. A student's ability to return to the school of origin will be evaluated by the Achievement Area 5 assistant superintendent.

- Consequences may include a six- to ten-day district suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.

- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

## Behavior Definitions

### Arson

Arson is defined as attempting to set, aiding in setting, or setting a fire.

- Consequences may include a one- to three-day or six- to ten-day district suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### Assault/Sexual Abuse/Sexual Assault/Criminal Abuse

Assault/Sexual abuse/Sexual assault/Criminal abuse is defined as 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.

- Consequences may include a one- to three-day or six- to ten-day district suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### Bullying/Cyberbullying

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

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

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.

- Consequences may include a placement in an in-school suspension, a one- to three-day or six- to ten-day district suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### **Drug/Alcohol/Tobacco/Electronic Cigarette Distribution**

*Drug/Alcohol/Tobacco/Electronic cigarette distribution* is defined as any offense of trafficking or distribution of drugs, alcohol, tobacco, and/or electronic cigarettes (tobacco and electronic cigarettes defined on page 37). This policy includes alcohol, illegal drugs, prescription drugs, over-the-counter drugs, look-alike drugs/alcohol, and all related items defined as tobacco or electronic cigarette products. A student found to be in possession of more drugs/alcohol than would be consumed by one person will be presumed to be trafficking as prescribed by law.

- Consequences may include a placement in an in-school suspension, a one- to three-day or six- to ten-day district suspension, with a parent/guardian conference.
- Referral to a substance abuse program
- The JCPS Compliance and Investigations Office may file a report with the Court-Designated Worker (CDW).
- Law enforcement officials may be notified by local school administrators.
- A referral may be made to Student Due Process (485-3335). (Resource options will be discussed with the parent/guardian, and recommendations will be made to the local school. Information will be shared with the CDW.)

### **Drug/Alcohol Possession/Under the Influence**

*Drug/Alcohol possession/Under the influence* includes the use or possession of alcohol, illegal drugs, prescription drugs, over-the-counter drugs, drug paraphernalia, and look-alike drugs/alcohol on school grounds or at

a school-sponsored event. Any substance that can be reasonably mistaken for a controlled substance is considered a look-alike drug. This includes nonalcoholic beer and wine. Any student who uses, distributes, or represents a look-alike drug as authentic will be treated as if it were authentic, according to state and federal laws.

*Under the influence* will be determined by having an administrator and another adult verify that the student's behavior(s) indicate(s) drug or alcohol abuse and that the student should be removed from the school.

A student will be considered under the influence when one or more of the following indicators are noted: vomiting, staggering, emitting an indicative odor, exhibiting incoherence/disorientation, slurring speech, exhibiting dilated pupils, admission of guilt, and/or displaying other physical evidence.

- Consequences may include detention, in-school suspension, and a one- to three-day suspension, with a parent/guardian conference.
- Referral to a substance abuse program
- The JCPS Compliance and Investigations Office may file a report with the CDW.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335). (Resource options will be discussed with the parent/guardian, and recommendations will be made to the local school. Information will be shared with the CDW.)
- The suspension may be reduced by the assistant director of Student Due Process after consulting with the local school principal as a result of a successful enrollment in a substance abuse program.

### **Fighting/Striking Faculty, Staff, or Other Officials**

*Fighting/Striking faculty, staff, or other officials* is defined as the deliberate use of substantial physical force toward a faculty member, staff member, or other school official when serious injury is caused or intended.

- Consequences may include a one- to three-day or six- to ten-day district suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.



### **Fighting/Striking Student**

*Fighting/Striking student* is defined as 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, threats, intimidation, and other encounters where no injury is intended). Administrators may use professional judgment in cases where the investigation yields a clear aggressor/initiator and may differentiate consequences accordingly.

- Consequences may include a parent/guardian conference, placement in an in-school suspension program, or a one- to three-day suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### **Forgery/Counterfeiting**

*Forgery/Counterfeiting* is defined as the creation or alteration of a written instrument (e.g., check, transcript, identification, currency, communication, or any other official document).

- Consequences may include a parent/guardian conference, placement in an in-school suspension program, or a one- to three-day suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### **Gambling**

*Gambling* is defined as participating in games of chance or skill for money or profit.

- Consequences may include a parent/guardian conference, placement in an in-school suspension program, or a one- to three-day suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### **Inappropriate Sexual Behavior**

*Inappropriate sexual behavior* is defined as possession of pornography, sexual contact, and/or indecent exposure.

- Consequences may include detention, placement in an in-school suspension program, a one- to three-day suspension, or a six- to ten-day suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### **Inappropriate Use of District Technology**

*Inappropriate use of district technology* is defined by a violation of the JCPSNet Acceptable Use Policy. The expectation of the policy is as follows:

The Board of Education supports reasonable access to various information formats for students and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner. The JCPS District offers students access to electronic information through the JCPS Networks.

#### **Access is a privilege, not a right.**

Students are responsible for appropriate behavior when using the JCPS Networks, just as they are in classrooms and school hallways. Therefore, general school rules for behavior apply. Access to network services is offered to students who agree to act in a considerate and responsible manner, and parent permission is required. Based on the acceptable use guidelines outlined in this section, the system administrators will deem what is inappropriate use, and their decisions are final. The administration and staff may revoke or suspend user access when these terms are violated.

By signing the Acknowledgment of Receipt of the *Student Response and Behavior Intervention Handbook* and the *Student Bill of Rights* contained on page 3, the parent/guardian authorizes the district to grant the student access to the JCPS Networks. By the signature of the parent/guardian and the student, the student agrees to abide by the following rules for acceptable use of electronic media. To opt out of the use of the JCPS Networks, the parent/guardian must provide written notice of such opt-out to the school principal.

**Students will:**

- Use the JCPS Networks for educational purposes, such as conducting research for assignments consistent with the JCPS academic expectations; and
- Use appropriate language, avoiding swearing, vulgarities, and abusive language.

**Students will NOT:**

- Transmit or receive materials in violation of federal or state laws or regulations pertaining to copyrighted or threatening materials, or transmit or receive obscene or sexually explicit materials;
- Use the JCPS Networks for personal or commercial activities, product promotion, political lobbying, or illegal activities;
- Break into/Attempt to break into another computer network;
- Damage/Attempt to damage, move, or remove software, hardware, or files;
- Use unauthorized multiuser games;
- Send or forward chain letters;
- Download or use unauthorized software products that adversely affect network performance;
- Create or share computer viruses;
- Share access to their JCPS Network account or use another person's account;
- Maliciously attempt to harm or destroy data of another user;
- Use the JCPS Networks to otherwise violate the *JCPS Student Support and Behavior Intervention Handbook*;
- Use the JCPS Networks to disrupt the efficient operation and/or educational programs of JCPS.

Communications through the JCPS Networks are not private and may be reviewed by JCPS personnel, or by someone appointed by them, to ensure that all guidelines are followed. Violation of these terms will result in a loss of access to the JCPS Networks and may result in other disciplinary action under the guidelines of the *JCPS Student Support and Behavior Intervention Handbook*.

- Consequences may include loss of technology privileges, as stated in the policy, a phone call home, detention, placement in an in-school suspension program, or a parent/guardian conference.

**Interference With Staff**

*Interference with staff* is defined as any action that prevents a staff member from maintaining a safe educational environment.

- Consequences may include placement in an in-school suspension program, a one- to three-day suspension, or a six- to ten-day suspension with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

**Intimidation/Harassment/Harassing Communication Toward Staff**

*Intimidation/Harassment/Harassing communications toward staff* is defined by activity or actions performed with intent to deliberately place a staff member in fear of bodily injury or other substantial physical or emotional discomfort (includes sexual harassment, verbal abuse, threatening, bullying, menacing, wanton endangerment, stalking, and harassing communications). Any of the aforementioned behaviors apply, even if performed with electronic devices.

- Consequences may include placement in an in-school suspension program, a one- to three-day suspension, or a six- to ten-day suspension with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

**Intimidation/Harassment/Harassing Communication Toward Student**

*Intimidation/Harassment/Harassing communications toward student* is defined by activity or actions performed with intent to deliberately place a student in fear of bodily injury or other substantial physical or emotional discomfort (includes sexual harassment, verbal abuse, threatening, bullying, menacing, wanton endangerment, stalking, and harassing communications). Any of the aforementioned behaviors apply, even if performed with electronic devices.



- Consequences may include placement in an in-school suspension program, a one- to three-day suspension, or a six- to ten-day suspension with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### Profanity/Vulgarity

*Profanity/Vulgarity* is defined as swearing, cursing, making obscene gestures, or using hate speech.

- Consequences may range from a phone call home, detention, placement in an in-school suspension program, or a parent/guardian conference.

### Profanity/Vulgarity Toward Staff

*Profanity/Vulgarity toward staff* is defined as swearing, cursing, making obscene gestures, or using hate speech toward staff.

- Consequences may include a phone call home, detention, placement in an in-school suspension program, or a one- to three-day suspension with a parent/guardian conference.

### Robbery

*Robbery* is defined as theft involving the use of physical force, deadly weapons, or dangerous instruments.

- Consequences may include a one- to three-day or six- to ten-day district suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### Theft/Vandalism

*Theft/Vandalism* is defined by:

*Theft*—A person is guilty of theft by unlawful taking or disposition when he or she unlawfully:

- (a) Takes or exercises control over movable property of another with intent to deprive him or her thereof; or

- (b) Obtains immovable property of another or any interest therein with intent to benefit himself or herself or another not entitled thereto.

*Vandalism*—Damaging or defacing school property or the property of school personnel

- Consequences may include a parent/guardian conference, detention, in-school suspension, a one- to three-day suspension, or a six- to ten-day suspension.
- Law enforcement officials may be notified by local school administration.
- A referral may be made to Student Due Process (485-3335).
- Referral to an alternative placement could be initiated.
- Legal action will be initiated when appropriate.

### Use/Possession of Tobacco Products and Electronic Cigarettes

**JCPS is a tobacco-free district.** Students may not possess, consume, display, distribute, or sell any tobacco products, tobacco-related devices, or electronic cigarettes at any time on school property or at off-campus, school-sponsored events.

The term *tobacco product* means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. Examples include, but are not limited to, cigarettes, cigars, little cigars, dry snuff, moist snuff/chewing tobacco, dissolvables, hookah, and blunt wraps.

The term *electronic cigarette* means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other substance and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

The term *tobacco-related devices* means ashtrays, cigarette papers, or pipes for smoking or any components, parts, or accessories of electronic cigarettes, including cartridges.

- Consequences will result in confiscation of tobacco products, electronic cigarettes, and/or tobacco-related devices; notification of parents; providing information about cessation services; and/or detention and/or in-school suspension.

### Violation of Personal Electronic/Telecommunication Device Policy

*Violation of personal electronic/telecommunication device policy* is defined as a violation of the JCPS Telecommunication Devices Policy. The expectation of the policy is as follows:

Unless a school/council has been granted a waiver pursuant to Board Policy 02.432, students shall not use/activate and/or display a personal telecommunication device on school property during the course of the instructional day unless they are acting in the capacity of a volunteer firefighter or Emergency Medical Service (EMS) worker. The superintendent may approve the use of personal telecommunication devices as provided in the plan submitted by schools that contain a business and information technology career theme. *Personal telecommunication device* is defined in KRS 158.165 and includes, but is not limited to, cellular telephones, pagers, walkie-talkies, electronic mail devices, MP3 players, iPods, and video gaming systems. Outside the instructional school day, students shall be permitted to possess and use personal telecommunication devices provided they observe the following conditions:

- Devices shall not be used in a manner that is disruptive, including, but not limited to, use that:
  - Poses a threat to academic integrity, such as cheating,
  - Violates confidentiality or privacy rights of another individual,
  - Is profane, indecent, or obscene,
  - Constitutes or promotes illegal activity or activity in violation of school rules, or
  - Constitutes or promotes sending, sharing, or possessing sexually explicit messages, photographs, or images using any electronic device.
- 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 any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.
- Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the district's Acceptable Use policy or procedures or the *Student Support and Behavior Intervention Handbook*.

These offenses are subject to disciplinary action under the *Student Support and Behavior Intervention Handbook*. In addition, the telecommunication device, including the SIM card, battery, and all other parts of the device, could be confiscated by an administrator

and may be returned only to the parent/guardian. Individual schools may set policies that define the length of confiscation time for each offense, not to exceed 30 calendar days at a time for each violation.

- Consequences may include a parent/guardian conference, placement in an in-school suspension program, or a one- to three-day suspension, with a parent/guardian conference.

### Weapons/Dangerous Instruments

*Weapons/Dangerous instruments* are not tolerated in the district.

Any student who is knowingly in possession of or who is involved in the transfer, storage, or use of a firearm or explosive device will be referred to an alternative school site for a period of one calendar year and not be allowed to return to his or her previously assigned school.

The Board of Education has the power to modify the alternative placement on a case-by-case basis. Upon completion of the discipline, the student will be reassigned by the office of Student Services.

### Look-Alike Weapons

*Look-alike weapons* is defined as any toy or model weapon that looks enough like an authentic weapon to be reasonably mistaken for one. Any student who presents a look-alike weapon to a staff member or another student as a real weapon and/or who uses it to intimidate, threaten, or harass someone will be treated as if he or she used a real weapon, according to state and federal laws.

- Consequences may include a one- to three-day or a six- to ten-day suspension, with a parent/guardian conference.
- Law enforcement officials may be notified by local school administration.
- A referral will be made to Student Due Process for placement in an alternative program (**485-3335**).
- Legal action will be initiated when appropriate.

### Criminal Violations

Students may be charged with criminal violations of local, state, or federal ordinances/statutes/laws if violations of this handbook fall under the appropriate jurisdiction. When a student violates a law, school administrators will notify the appropriate law enforcement official. Prosecution and adjudication of criminal violations shall occur separately from the administration of school procedures.



## Bus Safety

Student safety is a top priority. Positive and proactive strategies will be implemented to foster positive behaviors and positive relationships.

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 that the school administrator will address a student's misbehavior on a school bus with disciplinary actions, which may include suspension of bus privileges, in-school disciplinary measures, suspension from school, and/or referral/placement in an alternative school. If suspension from a school bus prevents an ECE student from attending school, the ECE suspension procedures on page 29 must be followed.

## Student Searches\*

Although students have the right to freedom from unreasonable search and seizure, school officials have the 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, maintain order, and/or 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. The Police Detection Canine Team may conduct random and unannounced searches of general school areas, including school lockers and parking lots. 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.

## Removal From the Classroom

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting, pending any further disciplinary action that may occur. Each school will be responsible for developing a procedure(s) for the immediate removal of threatening or violent students from a classroom setting. Each school shall submit the procedure(s) to the superintendent/designee for review and approval. School employees are responsible for implementing the procedure(s)

that has (have) been reviewed and approved by the superintendent/designee.

School staff may use reasonable physical force to restrain a student whenever it is necessary for self-defense, to protect people or property, or to keep order in the school (704 KAR 7:160).

## Physical Restraint and Seclusion

Physical restraint may only be used if a student's behavior poses imminent danger of serious physical harm to self or others and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion, and the use of de-escalation techniques should be used before engaging in restraints or seclusions. Each use of restraint or seclusion must be documented in Infinite Campus, and parents shall be notified by the end of the school day. School personnel who perform restraints should be trained members of the core team, except in cases of clear emergency. School personnel cannot use, at any time, mechanical restraint, chemical restraint, aversive behavioral interventions, physical restraint that is life-threatening, prone or supine restraint, or physical restraint. (See policy 704 KAR 7:160.)

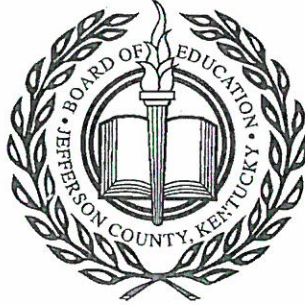
Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, a revision of strategies currently in place to address dangerous behavior. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior (U.S. Department of Education Restraint and Seclusion: Resource Document, Washington, D.C., 2012).

## Zero Tolerance

The JCPS District insists that its schools be safe and free of bullying/cyberbullying, drugs, violence, and weapons. 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. When students break rules, they are provided with clear directives and strict consequences. To ensure safe schools, the JCPS 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 Detection 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. JCPS also takes every measure to protect students and staff from bullying and harassment. Definitions and responses related to these can be found in the Bullying/Cyberbullying section on page 33 and the Intimidation/Harassment/Harassing Communication sections on page 36.





# Student Bill of Rights

## Student Bill of Rights Preamble

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 Jefferson County Public School (JCPS) District encourages each student to balance the expression of his or her rights by honoring his or her responsibilities as outlined in the *Student Support and Behavior Intervention Handbook* and the *Student Bill of Rights*.

### 1. The Right to an Education

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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 *Student Support and Behavior Intervention Handbook*. 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

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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

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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 Confidentiality of/Access to Student Records

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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 within 45 days of the day the school receives a request for access.
- Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- Request an amendment of the student's educational records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.
- File with the U.S. Department of Education, Family Policy Compliance Office, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520, a complaint concerning alleged failures by the district to comply with the requirements of FERPA.

School records of active students are maintained and kept by the school office in a secure location. Records include credits earned, standardized test results, academic portfolios, grade point averages (GPAs), behavioral and psychological evaluations, screening and health records, attendance records, and directory information. The file may contain temporary disciplinary records.

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 with a legitimate educational interest; 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. A school official is a person employed by the district, a person serving on the Board of Education, a person or company with whom the district has contracted as its agent to provide a service instead of using its



own employees, or a person serving on an official committee or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility. 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 has designated a student's name, address, grade level, honors and awards, photograph (excluding video records), and major field of study as directory information. The district has also designated a student's date of birth as directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. 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 on page 1 to the school office within one month after enrollment each school year. Federal law requires the district to comply with requests from military recruiters for the name, address, and telephone number of secondary school students, unless the student or the parent/guardian opts out of the release of such information to military recruiters.

To opt out of the release of the student's name, address, and telephone number to military recruiters, the student (regardless of age) or parent/guardian must submit the Military Recruiter Opt-Out Form on page 1 to the school office within one month after enrollment. The opt-out request will remain in effect for the entire high school career.

## 5. Protection of Pupil Rights Amendment

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;
- 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.

### **Receive notice and an opportunity to opt 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.

### **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.

## 6. The Right of Access to Services for All Students With Disabilities/Child Find

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A student with a disability will be provided FAPE. Students who are eligible for special education include those students who have hearing impairments, vision impairments, emotional and behavioral disorders, both deafness and blindness, health impairments, specific learning disabilities, mental disabilities, multiple disabilities, speech and language impairments, physical disabilities, autism, developmental delay, or traumatic brain injuries and who, because of these impairments, need special education and related services.

Anyone who knows of a child younger than 22 years of age who may have a disability and may need special education is urged to contact a school counselor or the ECE Office at **485-3170**. The JCPS District will contact the parent/guardian to decide if the child needs to be referred for services. The district also will use screening information, student records, and test results collected on all students to help locate students who may need special education. All information collected will be confidential.

## 7. The Right to Representation and Involvement

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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 or her through the local school's Human Relations Committee and/or Student Council.

## 8. The Right to Freedom of Expression

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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.

## 9. The Right to Freedom From Abuse

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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 (704 KAR 7:160).

## 10. The Right to Participate

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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. A student may petition the principal to form a new school club or organization. If the club or organization meets the guidelines of the Jefferson County 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.



## 11. 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. The Police Detection Canine Team may conduct random and unannounced searches of general school areas, including school lockers and parking lots. 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.

## 12. 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 *Student Support and Behavior Intervention Handbook* 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.

The student or parent/guardian must initiate the appeal. He or she should do the following:

1. First, try to resolve the problem by discussing it with the people involved.
2. If that is unsuccessful, he or she should request an informal hearing with the principal/designee. A decision can be expected within five school days. A written decision may be requested.

3. If the student or parent/guardian is not satisfied with the decision, he or she may contact the assistant superintendent at **485-3494**.
4. When appealing a suspension, the appeal must be in writing.

Procedures for appealing suspensions and due process begin on page 25 of the *Student Support and Behavior Intervention Handbook*.

## 13. The Right to Freedom From Harassment and Discrimination

JCPS has adopted and will follow districtwide policies that forbid harassment and discrimination in providing equal educational opportunities. In cases where a student and/or parent/guardian thinks that a student has been harassed or discriminated against for any reason, the parent/guardian/student must file a written complaint by following the Jefferson County Board of Education Discrimination Grievance Procedure. A copy of the procedure and the necessary forms for filing are available in the local school or in the Compliance and Investigations Office.

### Discrimination Grievance Procedure

The following steps are to be followed:

1. Discuss the grievance with the principal of the school.
2. Expect a decision at the end of the informal meeting or within a reasonable time thereafter (five school days).
3. File with the director of Compliance and Investigations a formal written complaint within five school days of the informal decision if the principal's decision is unsatisfactory in resolving the issue.

Compliance and Investigations Office  
Jefferson County Public Schools  
C. B. Young Jr. Service Center  
3001 Crittenden Drive, Room 152D  
Louisville, KY 40209-1104  
**485-3341**

For further information regarding confidentiality and student records, you may contact your school principal or the director of Pupil Personnel.





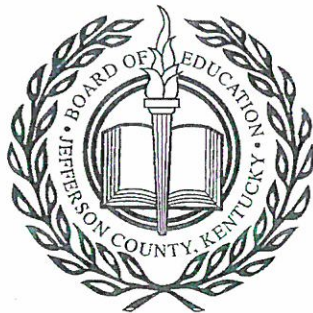
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Questions concerning the *Student Support and Behavior Intervention Handbook* and the *Student Bill of Rights* should be directed to the director of Student Due Process (485-3803).



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