

**Discipline and Attendance Code
Meade County Schools
Revision: November, 2008**

**Page 7, Section 4
Bullying/Hazing Policy**

Safe Educational Environment

Subject to freedoms guaranteed by the United States and Kentucky Constitutions, both staff and students are expected to treat one another with courtesy and respect at all times. Subject to constitutional provisions, speech and/or conduct which is disruptive of the educational environment will not be tolerated and may result in discipline in accordance with applicable law, Board policy, and this Code of Conduct. In order for students to learn in a safe and secure environment, speech and conduct must not disrupt a safe learning environment.

Definitions and Prohibited Conduct

Students and staff are hereby notified that Kentucky law provides a person is guilty of harassment when, with intent to intimidate, harass, annoy or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects a person to physical contact, or threatens to strike, shove, kick, or otherwise subject the person to physical contact, or, in a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present, or follows a person in or about a public place or places, or engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose, or being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event, damages or commits a theft of the property of another student, substantially disrupts the operation of the school, or creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment. Reference is specifically made to KRS 525.070 for particulars.

Further, staff and students are hereby notified that Kentucky law provides a person is guilty of harassing communications when with intent to intimidate, harass, annoy, or alarm another person he or she communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication. Staff and students are referred to KRS 525.080 for particulars.

The foregoing types of behavior may also constitute bullying, harassment, or discrimination as also prohibited by Board policy.

Reporting

Staff and students are further hereby notified that any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event, shall immediately cause an oral or written report to be made to the principal of the school attended by the victim, and the principal shall in turn have the notification requirements as set forth in KRS Chapter 158, including to parents, legal guardians of both the victim and perpetrator, and to law enforcement officials as may be required.

Further, all staff and students are notified that KRS 158.444 requires school districts to report all incidents of violence and assault against school employees and students, all incidents of possession of guns or other deadly weapons on school property or school functions, all incidents of possession or use of alcohol, prescription drugs, or controlled substances on school property

or at school functions, and all incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any offense specified in KRS Chapter 508, or for violations of KRS 525.070 or KRS 525.080, as well as other data as required to be reported pursuant to applicable Kentucky law, subject to confidentiality provisions of Kentucky Family Educational Rights and Privacy Act KRS 160.700 to 160.730, and to the Federal Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232G and applicable regulations, to the Kentucky Department of Education. Data collected pursuant to applicable law concerning an individual student committing a reportable incident shall be placed in the student's disciplinary record.

Any staff or student who believes that an incident of bullying, harassment, or discrimination, or other violation of KRS Chapter 508 or KRS 525.070 or KRS 525.080 or other conduct deemed detrimental to the safe and secure learning environment should immediately report such suspected violation by report to the principal or principal's designee. The principal or principal's designee shall take further action whenever the report involves an offense which may warrant suspension or expulsion of a student, a felony offense, or report that may be required by law, including reports to law enforcement.

If for any reason a report of a suspected violation to a principal or principal's designee is not appropriate, then action shall be taken by a report made to the superintendent or the superintendent's designee.

The process for investigation of and response to a complaint or report of a violation of the Code or of an incident for which reporting is required under applicable law shall be essentially the procedure otherwise set forth for harassment/discrimination investigation and appeals.

Retaliation Prohibited: Immunity

Employees and other students shall not retaliate against a student or staff member for such report, nor shall retaliation be tolerated against a person who assists or participates in any investigation, proceeding, or hearing regarding the suspected violation. The superintendent or superintendent's designee shall take measures needed to protect staff and students from any retaliation for making a report hereunder.

Anyone acting upon reasonable cause in the making of a report required under applicable law in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

Notification and Training

All staff, students, and parents/legal guardians shall be specifically notified of the foregoing provisions and how to report a suspected Code violation at the beginning of each school year or as soon as practicable following the commencement of the school year. Each student, student's custodial parent or legal guardian, and staff member shall receive a copy of this Code. The receipt by each shall be documented. In addition, review of this Code with teachers shall occur as part of professional development.

Consequences and Remedies

Consequences for violations of this Code may include, but not be limited to, any one or more types of discipline otherwise set forth herein, including suspension or expulsion of students; actions against classified employees pursuant to KRS 161.011, and against certified employees pursuant to KRS 161.790, and other applicable law and regulation. Discipline may also include counseling or other specific actions as may be deemed appropriate by responding officials, and directives to reform or refrain from particular speech or conduct in the future.

Staff and students are further notified that violations as described herein may be subject to criminal prosecution and penalty in accordance with applicable law.

Constitutional Rights Not Infringed

Nothing herein shall be interpreted to prohibit the civil exchange of opinions or debate or other conduct or speech protected under the state or federal Constitutions when such speech or conduct does not otherwise materially or substantially disrupt the educational process or intrude upon the constitutional rights of others.