

MUHLENBERG

COUNTY SCHOOLS

CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

2026-2027

Adopted June, 1985
Revised August, 2026

Notification of Right to Request Teacher Qualifications

Dear Parent or Guardian:

The educators in Muhlenberg County Schools are committed to providing a quality instructional program for your child. This letter is just one of the ways of keeping you informed of the educational commitment of our schools and our district.

Our district receives federal funds for the Title I programs as a part of the *Every Student Succeeds Act* (ESSA). Under ESSA you have the right to request information regarding the professional qualifications of your child's teacher(s). If you request this information, the district will provide you with the following:

1. Whether teacher has met the state requirements for licensure and certification for the grade levels and subject matter **in** which the teacher provides instructions;
2. Whether the teacher is teaching under emergency or other professional status through which state qualifications or licensing criteria have been waived;
3. The college major and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

ESSA also requires that you be informed whether your child is provided services by paraeducators and, if so, their qualifications. In our district all paraeducators with instructional duties working **in** programs supported with Title I funds have passed the Kentucky Paraeducator Assessment; have an associate's degree or higher or have completed at least 48 hours of postsecondary education.

If you would like to request this information, please contact the school principal.
You may also contact Stacie Jones, by phone at 270-338-2871 or email stacie.jones@muhlenberg.kyschools.us. Please include your child's name, the name of the school your child attends, the name of your child's teacher(s) and a mailing address or email address where the information may be sent. Thank you for your interest and involvement in your child's education.

Sincerely,

Stacie Jones, Assistant Superintendent/Federal Programs

To view the most updated version of the Muhlenberg County Code of Acceptable Behavior and Discipline visit the district website at www.mberg.k12.ky.us or use the QR Code below.

NOTIFICATION OF RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and "eligible students" (students over 18 years of age or students who are attending a postsecondary institution) certain rights with respect to the student's education records. The rights accorded to and the consent required of parents will transfer to the student at the age of eighteen (18) unless parents provide the school with evidence that there is a court order, legal document, or other verification showing that parents are the guardian of, or a student's representative in educational matters or that the student is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.

These rights are:

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

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

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

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

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

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

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

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

   a. Disclosure to school officials with legitimate educational interest. A "school official" is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical stall and law enforcement unit personnel); a person serving on the school Board; a person or company with whom the District has contracted to per form a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an offi cial committee, such as disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

   A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility to the District.

   This may include contractors, consultants, volunteers, and other parties to whom the District has outsourced services or functions.

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

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

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

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

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

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

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

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

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

   Family Policy Compliance Office
   U.S. Department of Education
   400 Maryland Avenue, SW

Washington, DC 20202-4605

NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT

NONDISCRIMINATION POLICY STATEMENT The Muhlenberg County Board of Education does not discriminate on the basis of sex in the educational programs or activities that it operates, and is required by Title IX of the educational amendments of 1972 (P.L. 92- 318), not to discriminate in such a manner. Further, the Board of Education does not discriminate on the basis of handicap, in treatment, admis sion or access to, or employment in, its programs or activities as required by the Rehabilitation Act of 1973 (P.L. 93-112), as amended, Section 504, nor does the Board of Education discriminate on the basis of race, color, national origin, as required by Title VI of the Civil Rights Act of 1964, nor does the Board of Education discriminate on the basis of sex, age, religion or marital status in the educational programs or activities it operates.

Procedures for Distribution of Student Code of Conduct Handbook: • A copy of the Code of Conduct will be available for download and printing on the Muhlenberg County Schools district website at www.mberg.ky12.ky.us. Any parent who requests a book can do so at the child's school and at the Board of Education, 51O West Main, Powderly, KY· A copy of the Code of Conduct will be available to all media that makes a request. • Each teacher will discuss the Code of Conduct in his/her classroom during the first week of school.

Protection of Pupil Rights Amendment (PPRA) affords parent certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before minor students are required to submit to a survey, analysis, or evaluation that concerns one or more of the following protected areas (protected information survey) if the survey is funded in whole or part by a program of the U.S. Department of Education:

1. Political affiliations or beliefs of the student or student's parents;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents, or;
8. Income, other that as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of----

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of atten dance, 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
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. NOTE: If the parent/ eligible student has indicated no directory information is to be provided to third parties or if the marketing activity involves provision of social security numbers, consent form 09.14 AP.122 should be used.

Inspect, upon request and before administration or use ----

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

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State Law.

Any Eligible student, parent, or guardian who does not wish to participate in surveys, collection and use of information for marketing purposes, and certain physical exams shall notify the Superintendent in writing on or before September 15 of each school year.

Parents who believe their rights have been violated may file complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

If you have any questions, please contact the Director of Special Education, Muhlenberg County Schools, 51OW. Main Street, Powderly, KY 42367, or phone 270-338-2871.

The Muhlenberg County Schools does not discriminate on the basis of race, color, national origin, sex or handicap in admission to, access to, treatment in or employment in its programs and activities. The Muhlenberg County Schools has designated the following official(s) to coordinate its nondiscrimination compliance efforts.

Director of Personnel
Muhlenberg County
Schools 270-338-2871

MUHLENBERG COUNTY SCHOOLS
CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

Philosophy

County Schools Code of Acceptable Behavior and Discipline describes standards of conduct which are important to the success of both learning and community life in our schools. For students to have a successful educational experience, they must understand that individual rights and responsibilities go hand in hand. When people come together, their individual rights become limited because of the need for mutual respect.

The Board requires high standards of personal conduct from all pupils and embraces the concept that each pupil shall respect the rights of others and abide by the regulations of the school district and the laws of the community and state.

Good order, proper attire, and cleanliness of person and attire are required of every pupil. Every pupil is expected to obey the directions of the teachers, to be diligent in study, and to be respectful to teachers and schoolmates.

The Principal of each school shall develop, distribute, and enforce specific rules of conduct for his school.

Students have the responsibility to follow rules and respect the authority of adults whose jobs are to ensure a successful education for many and not just one individual.

In light of this concept, it follows that students at different ages and grade levels will exercise their rights differently; the younger the child, the greater the need for adult guidance and protection.

These rights shall include but not be limited to the following:

Students Have the Right:

a. To an education preparing the student within the limits of abilities to reach maximum potential for contributing to the individual's welfare and that of society.

b. To receive a free public education until they have either successfully completed a twelve-year educational program or reached the age of 21 years, whichever comes first.

c. To request an explanation of the purpose of rules.

d. To suggest rules or changes in rules.

e. To "due process" in regard to disciplinary action, including the right to hear charges, state his/her side, and to appeal decisions honestly believed unjust from teacher to principal to Superintendent to Board of Education according to established procedures.

f. To protection of person and property to the fullest extent possible by the school.

g. To participate in all school programs and activities within the limits of capabilities and the established standards without regard to race, creed, or sex.

h. To confidentiality of personal school records.

i. To receive academic grades based only on academic performance.

9.

STUDENTS HAVE THE RESPONSIBILITY:

a. To attend school regularly and to take advantage of the opportunities offered by cooperating with those trying to teach and working at the job of learning and not to interfere with the right of fellow students to an education.

b. To responsibly use the freedom of speech in such a way as not to offend the rights of others with obscene or damaging words or actions, and within the limits of good taste, to avoid the use of language in a dis courteous, offensive, or inflammatory manner.

c. To obey the rules, and to question them in a way earnestly seeking explanation for understanding and not just for the purpose of an argument.

d. To make suggestions in a positive, reasonable manner, taking into careful consideration the welfare of all, not just that one or a few individuals.

e. To exercise courtesy and reason at all times, to accept just punishment, to avoid unreasonable appeals, and to refrain from making false accusations for petty or vicious reasons.

f. To refrain from acts or actions which would endanger self or others, including property, and to take those steps and precautions necessary to protect self and possessions.

g. To make the best contribution possible with individual abilities, to support the school in all phases of program or activity, and to behave in such a way that participation will be a contribution and not a detriment.

h. To follow established procedures in requesting release of personal records.

i. To cooperate with those trying to teach.

j. To maintain high standards of personal conduct and respect the rights of others and abide by regulations of the school district.

k. To refrain from using, possessing, or transmitting any alcoholic beverages or illegal or controlled substance.

l. To exhibit neatness and cleanliness of personal hygiene.

m. To refrain from fighting, creating disturbances, excessive noise, abusive language, denying others the use of school facilities or buildings, using or carrying any weapon on school premises or at school activities, intentionally injuring another person or exposing others to harm, or using threats or intimidation against any other person.

n. To follow the rules and regulations of the Board of Education and/or the school administration.

PARENTS/GUARDIANS HAVE THE RIGHT TO:

a. Send their child to a school with an environment where learning is valued.

b. Expect that classroom disruptions will be dealt with fairly, firmly, and quickly.

c. Enroll students in the Muhlenberg County School District where they shall attend classes regularly and promptly with minimal interruptions.

d. Expect the school to maintain high academic standards.

e. Review the student's academic progress and other pertinent information which may be contained in the student's personal records.

f. Address a question concerning their child to the proper authority and to receive a reply in a reasonable time period.

PARENTS/GUARDIANS HAVE THE RESPONSIBILITY TO:

a. Instill in their children the values of an education.

b. Instill in their children a sense of responsibility.

c. Instill in their children a sense of respect.

d. Understand that unnecessary interruptions in the school are detrimental to the educational program for all students.

e. Be familiar with the educational program and the procedures.

f. Inform children about the disciplinary procedures of the school and emphasize the importance of following the same.

g. See that children attend school regularly and promptly.

h. Check with the proper school officials regarding the facts of any situation that they might question.

i. Support the efforts of the school personnel.

j. Demonstrate respect for the teachers, administrators, school personnel at school and all school related activities.

k. See that students exhibit neatness and cleanliness in their personal attire and hygiene.

TEACHERS HAVE THE RIGHT TO:

a. The support of co-workers, administrators, and parents.

b. Work in an educational environment with a minimum of disruptions.

c. Expect all assignments, including homework, to be completed and turned in as assigned.

d. Remove any student, from class whose behavior significantly disrupts a positive learning environment, for no more than one class period during which time the student will be in the office or other designated area.

e. Safety from physical harm and freedom from verbal abuse.

f. Provide input to aid in the formulation of policies that relate to their relationships with students and school personnel.

g. Take action, necessary in emergencies, to protect their own person or property or the persons or property of those in their care.

TEACHERS HAVE THE RESPONSIBILITY TO:

a. Present subject matter and experiences to students and to inform students and parents or guardians of achievement and/or problems.

b. Aid in planning a flexible curriculum which meets the needs of all students and which maintains high stan dards of academic achievement.

c. Assist in the administration of such discipline as is necessary to maintain order throughout the school without discrimination on any basis.

d. Evaluate students' assignments and return them as soon as possible.

e. Exhibit exemplary behavior in action and speech.

f. Exhibit neatness and cleanliness of personal dress and hygiene.

g. Reward exemplary behavior or work of students.

h. Maintain an atmosphere conducive to good behavior and to exhibit an attitude of respect for students.

i. Recommend for retention in a class any student who fails to meet the basic standards for such class.

j. Maintain necessary records of student progress and attendance as accurately as possible.

k. Follow and enforce rules and regulations of the Board of Education and/or school administration.

l. Care for the equipment and physical facilities of the school.

m. Maintain detailed, systematic records of the achievement of each student and report every nine (9) weeks to the parent or guardian on the progress of their child.

PRINCIPALS HAVE THE RIGHT TO:

a. The support of students, parents, and teachers in carrying out the educational programs and policies established by the school system.
b. Provide input for the establishment of procedures and regulations that relate to the school.
c. Safety from physical harm and verbal abuse.
d. To take necessary action in emergencies to protect their own person or property, or the persons or property of those in their care.
e. Suspend any student whose conduct disrupts the educational process.
f. Administer the school environment to provide the proper learning atmosphere.

PRINCIPALS HAVE THE RESPONSIBILITY TO:

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

ALTERNATIVE EDUCATION (See Board Policy 09.4341)

For conduct that disrupts the educational process and in accordance with procedures developed by the Su perintendent, a student may be assigned to the alternative education program. Assignments to the District's alternate education program are made by the Superintendent and/or the ILPA Team.

Certain behaviors that may warrant immediate placement in the alternate education program include: fur nishing/selling/possession of an unauthorized substance, possession/use/transfer of a dangerous weapon, bomb threat, arson, or inflicting serious physical injury on another individual while on school property.

The Principal or designee shall notify the parents of their child's assignment to the alternate education program. If the student is enrolled in the special education program, parents and the student, when appropriate, will be invited to an Admissions and Release Committee meeting to discuss the child's Individual Education Plan and placement options.

Students assigned to the alternative education program continue regular schoolwork under the supervision of school staff. Counseling services shall be offered to address school-related problems in the alternative setting.

Students who are assigned to an alternative education program shall not be permitted to participate in or attend extracurricular or other school-sponsored activities during the term of their assignment to the alterna tive program. Students are not allowed to drive vehicles to or from school when assigned to the alternative education program.

ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA

Students enrolled in a district-operated alternative education program shall be eligible to seek attainment of a High School Equivalency Diploma if the student:

- Is at least seventeen (17) years of age;
- Is not on track to graduate*; and
- Has previously attained a passing score on an official readiness test for a High School Equivalency Diploma

*Not on track to graduate - At the forth (4th) school year, cumulative grade point average of less than 2.5 and/or not at the 75% mark to obtain the minimum twenty-two (22) credits to graduate.
A student who has attained High School Equivalency Diploma shall be exempt from compulsory attendance.

VIRTUAL LEARNING Virtual learning opportunities will be offered to all students 6th-12th grades for the 2026-2027 school year.

MUHLENBERG COUNTY SCHOOLS ELEMENTARY SCHOOL LEVELS OF STUDENT MISCONDUCT

Level I

Minor misbehavior that impedes orderly classroom procedures or inter feres with the orderly operation of the school. (Examples may include but are not limited to: excessive talking, out of seat, failure to complete assignments, refusal to carry out staff directions).

Level II

Misbehavior that occurs frequently or the seriousness tends to disrupt the learning climate of the school. (Examples may include but are not limited to: continuation of Level I misconduct, inappropriate notes/messages, pinching, insulting remarks, bus misconduct, abusive language, failure to keep hands and feet to self).

Level III

Acts directed against persons or property but the consequences do not seriously endanger the health or safety of others in the school. (Examples may include but are not limited to: continuation of Level II misconception, stealing, threats to others).

Level IV

Acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school. (Examples may include but are not limited to: continuation of Level III misconduct, bullying/harassment, assault/battery, possession of dangerous weapon, possession of unauthorized substances).

MUHLENBERG COUNTY SCHOOLS
MIDDLE/HIGH SCHOOL LEVELS OF STUDENT MISCONDUCT

Level I

Minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. (Examples may include but are not limited to: tardiness, class room disturbance, failure to complete assignments or carry out directions).

Level II

Misbehavior whose frequency or seriousness tends to disrupt the learn ing climate of the school. (Examples may include but are not limited to: continuation of Level I misconduct, school tardiness, truancy, skipping class, bus misconduct).

Level III

Acts directed against persons or property but whose consequences do not seriously endanger the health or safety of others in the school. (Examples may include but are not limited to: possession/use of unauthorized substances, stealing, threats to others, defiance of authority, disorderly conduct).

Level IV

Acts which result in violence to another person or property, which pose a direct threat to the safety of others in the school. (Examples may include but are not limited to: extortion, bomb threat, possession/use of dangerous weapons, assault/battery, theft/possession/sale of stolen property, possession/furnishing/selling of unauthorized substances).

ABSENCES AND EXCUSES (See Board Policy 09.123)

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

ANY PUPIL WHO HAS BEEN ABSENT FROM SCHOOL WITHOUT VALID EXCUSE FOR THREE (3) DAYS OR MORE, OR TARDY THREE (3) DAYS OR MORE, IS A TRUANT. A PUPIL WHO HAS BEEN REPORTED AS A TRUANT TWO (2) OR MORE TIMES IS A HABITUAL TRUANT. AN ABSENCE FOR LESS THAN 35% OF THE REGULARLY SCHEDULED SCHOOL DAY SHALL BE CONSIDERED TARDY.

Seven (7) absences for the following valid reasons may be excused (anytime during the year) provided they are verified by phone and/or writing (school preference) by the student's parent or guardian within (5) days of the student returning to school. Any absence after (7) call ins/or written notes (school preference) must have verifiable evidence that the absence was for a valid reason in order for it to be excused. Examples: written doctor or medical personnel excuse in case of sickness, death notice or funeral home card in case of death in the family, or court excuse in cases of mandatory court appearances.

EXCUSED ABSENCES/TARDIES

1. Death or severe illness in the pupil's immediate family,
2. Illness of the pupil, mental or behavioral health,
3. Participation in school-related activities approved by the Principal,
4. To pursue an educational enhancement opportunity of significant educational value,
5. Mandated court appearances,
6. Religious holidays and practices with prior approval of the Principal,
7. Documented military leave,
8. One (1) day prior to departure of parent/guardian called to active military duty,
9. One (1) day upon the return of parent/guardian from active military duty,
10. One (1) day for attendance at the Kentucky State Fair, or
11. Other valid reasons as determined by the Principal

Make-up work shall be permitted for excused absences only. The student will be allowed the number of days for make-up equal to the number of days absent. It is the student's responsibility to contact the teacher for make-up work.

School handbooks or agenda books should also be reviewed by parent for school-specific instances of ex cused/unexcused absences.

NO PASS - NO DRIVE (See Board Policy 09.4294)

The No Pass/No Drive Law (KRS 159.051) was passed during the 2007 legislative session. Students who are fifteen (15) years of age but less than eighteen (18) years of who became academically deficient or drop out of school as defined in KRS 159.051. The superintendent/designee shall report, within ten (10) days after receiving notification, send the required student information to the Transportation Cabinet for driver's license, permit or driving privilege revocation. Academic deficient is not receiving passing grades in at least two-thirds (2/3) or sixty-six percent (66%) of their classes in the preceding semester or accumulating nine (9) unexcused absences in the preceding semester. Suspensions shall be considered unexcused absences.

SUSPENSION (See Board Policy 09.434)

In accordance with KRS 158.150, the Principal or Assistant Principal may suspend a pupil up to a maximum of ten (10) days per incident.

All absences due to suspensions will be unexcused.

A pupil shall not be suspended until due process procedures have been provided as described in KRS 158.150 (Board Policy 09.431), unless immediate suspension in essential to protect persons or property or to avoid disruption of the educational process.

In such cases, due process shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

The Principal or Assistant Principal shall report any suspension in writing immediately to the Superintendent and to the parent of the pupil being suspended. The written report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement.

Above guidelines must also be followed for suspension of students with disabilities. In addition to the above guidelines, the following procedures should be followed for students with disabilities.

If a suspension is more than 10 days, the Admissions and Release Committee (ARC) should be convened to determine whether the discipline problem is related to the student's disability.

If the discipline problem is determined to be related to the disability, the ARC must consider the appropriateness of the placement and/or the Individual Education Plan. If the discipline problem is determined to be unrelated to his/her disability, then the student will be disciplined according to the Discipline Code.

If a manifestation determination is required, the school shall notify the Director of Special Education.

EXPULSION (See Board Policy 09.435)

The Board may expel any pupil for misconduct as defined in subsection (1), KRS 158.150. (See Board Policy 09.435.)

Action to expel a pupil shall not be taken until the parent of the pupil has had an opportunity for a hearing before the Board.

The Board's decision shall be final.

In cases which involve students with disabilities, the procedures mandated by federal and state law for disabled students shall be followed.

USE OF PHYSICAL RESTRAINT AND SECLUSION (See Board Policy 09.2212)

CORPORAL PUNISHMENT (See Board Policy 09.433)

"Corporal Punishment" is defined as the deliberate infliction of physical pain by any means upon the whole or any part of a student's body as a penalty or punishment for student misbehavior.

Effective July 1, 1991 no person employed or engaged by any public elementary or secondary educational system within this school district shall inflict or cause to be inflicted corporal punishment or bodily pain upon a pupil attending any school or institution within such educational system; provided, however, that any such person may, within the scope of his employment, use and apply such amounts of physical restraint as may be reasonable and necessary to protect oneself, the pupil, or others from physical injury, to obtain possession of a weapon or other dangerous objects within control of the pupil, or to protect property from serious harm.

For conduct that disrupts the educational process, a student may be referred to the alternate education program or appropriate discipline according to board policy.

DISTRICT TECHNOLOGY

District technology resources may not be used to access blogs, online journals, or any other online site where personal information is shared. Revealing personal information can make one more vulnerable to online predators.

TELECOMMUNICATION DEVICES (See Board Policy 09.4261)

Students are prohibited from using a personal telecommunication device during instructional time, except during and emergency or if directed to do so by a teacher for an instructional purpose. Students shall not access social media unless authorized to do so by a teacher for an instructional purpose.

SEARCH AND SEIZURE (See Board Policy 09.436)

No pupil's outer clothing, pockets, or his/her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there are reasonable grounds to believe the search will reveal evidence that the pupil has violated or is violating either a school rule or the law. Search of a pupil's person shall be conducted only with the express authority of the Principal/designee.

Searches of a pupil's person or his/her personal effects shall only be conducted by a certified person directly responsible for the conduct of the pupil, the Assistant Principal, or the Principal/designee of the school which the student attends.

When a pat-down search of a pupil's person is conducted, the person conducting the search shall be the same sex as the pupil; and a witness of the same sex as the pupil shall be present during the search.

No search of a pupil shall be conducted in the presence of other students. No strip searches of

students shall be permitted.

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

School property, such as lockers and desks, are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all such property on a regular basis. During these inspec tions, items which are school property, such as overdue library books, may be collected. Students should not expect privacy to items left in such locations. A single desk or locker may be searched if reasonable grounds exist to believe that evidence of a violation of the law or a school rule is contained therein.

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

Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the pupil's possession by a staff member. Such items may be returned to the pupil by the staff member or through the Principal's office.

All items which have been seized shall be turned over to the proper authorities or returned to the true owner.

USE OF METAL DETECTORS

School administrators are authorized to use stationary or mobile metal detectors (i.e., electronic wands). Metal detectors may be used in the following circumstances:

1. To search an individual student or his/her personal belongings when there is reasonable

suspicion

to believe the specific student is concealing a weapon, a vaping device, or other prohibited items.

2. To search all students or their personal belongings upon entering the premises; or
3. To search students or their personal belongings on a random basis, provided adequate procedures are adopted and followed to ensure a random selection process.

CANINE USE

Specially trained non-aggressive canines will be used to provide random unannounced inspections. The canines are trained to detect prohibited items and will cover common areas, lockers, classrooms, desks, bookbags, personal effects, automobiles, and all other areas of the school property or facility being used for a school function.

ALCOHOL, DRUGS, AND OTHER CONTROLLED SUBSTANCES (See Board Policy 09.423)

No pupil shall possess, use, be under the influence of, sell, or transfer any alcoholic beverage or any controlled drug substance, or any substance which "looks like" a controlled substance,* on or about school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity.**

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes*** or any other substance which may be added by the Kentucky Department of Human resources under regulations pursuant to KRS 21SA.020.***

Use of a drug authorized and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy.

Violation of this policy shall constitute reason for disciplinary action including, but not limited to, suspension or expulsion from school, or referral to Alternative Learning Center**** and suspension or dismissal from athletic teams and/or other school-sponsored activities. In addition, violations may result in notification of appropriate legal officials.

HIGH SCHOOL RANDOM DRUG TESTING PROGRAM (See Board Policy 09.423 and Administrative Procedures 09.423 AP.1/AP.21)

Students participating in extracurricular activities at the high school and students who wish to drive to and from school shall participate in the District's student random drug-testing program. Students who do not exercise the privilege of participating in extracurricular activities or driving and/or parking on campus may participate in the random drug and alcohol testing program on a voluntary basis.

Extracurricular activities include participation in school clubs or organizations not required by a class and athletic teams, including but not limited to baseball, basketball, cheer leading, cross-country, dance, football, softball, tennis, track, volleyball, swimming and golf.

While not required, other students may voluntarily participate in the District's random drug-testing program upon receipt of parental consent and completion of all appropriate forms.

Testing shall be accomplished by the analysis of urine specimens obtained from the student. Collection and testing procedures shall be established, maintained, and administered to ensure:

1. Randomness of selection procedures;
2. Proper student identification;
3. Identification of each specimen with the appropriate student participant;
4. Maintenance of the unadulterated integrity of the specimen; and
5. Integrity of the collection and testing process, as well as the confidentiality of test results.

TOBACCO, ALTERNATIVE NICOTINE, OR VAPOR PRODUCTS (See Board Policy 09.4232)

The possession or use of tobacco, alternative nicotine, or vapor products by students on school grounds, in school buildings or in all Board vehicles is prohibited.

WEAPONS (See Board Policy 05.48)

Pupils shall not carry on their person or cause to be brought to school firearms, illegal knives, or any other object which can be classified as a dangerous instrument.

Violation shall constitute reason for suspension, or expulsion and possible referral to Alternative Learning Center.

Unlawful possession of weapon on school property in Kentucky is a felony punishable by a maximum of five
(5) years in prison and a ten thousand ($10,000.00) fine.

ASSAULT AND THREATS OF VIOLENCE (See Board Policy 09.425)

Any student who threatens, assaults, batters or abuses another student shall be subject to appropriate disciplinary action, including suspension or expulsion. [1]

Any student who threatens, physically assaults, batters or physically or verbally abuses educational personnel on or off school property (and the incident is likely to substantially disrupt the educational process) shall be subject to appropriate disciplinary action[1] up to and including expulsion from school and/or legal action.

When school personnel have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon.

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

BULLYING/ HAZING (See Board Policy 09.422)

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threat ening behavior. This policy extends to any/all student language or behavior, on school premises, on school-sponsored transportation (per policies 06.34 and 09.2261), or at school-sponsored events including, but not limited to, the use of electronic or online methods. Such

behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

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 educational process or intrude upon the rights of others.

Bullying means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated: that occurs on school prem ises, on school-sponsored transportation, or at a school sponsored event: or that disrupts the educational process. This definition shall not be interpreted to prohibit civil exchange or opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the educational process.

All administrators, teachers, classified staff, and students share the responsibility to ensure that bullying does not occur in the locations listed above. All students who believe they have been victims of bullying/harass ment shall immediately report it to an administrator or teacher at their school. All students who witness bul lying/harassment shall immediately report it to an administrator or teacher at their school. All administrators and teachers who have any incidences of bullying/harassment reported to them shall promptly forward the report(s) to the principal for appropriate action. Each building principal or principal's designee shall ensure that all reports involving student bullying/hazing in any such circumstance are promptly and thoroughly in vestigated, and that appropriate action is taken. Principals and/or parents may request a district investiga tion by contacting the Director of Special Education, after a school level investigation was completed and additional support is requested.

Per KRS 508.150, ‘hazing” is defined as Per KRS 508.180, “hazing” is defined as a direct action which substantially endangers the physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization, including but
not limited to actions which coerce or force a minor or a student to:

a) Violate federal or state criminal law;
b) Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of serious physical injury;
c) Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;
d) Endure brutality of a sexual nature; or
e) Endure any other activity that creates a reasonable likelihood of serious physical injury to the minor or student.

To assist in determining appropriate action, the principal shall consider all existing policies and procedures that address the type of conduct that may be involved in bullying/hazing. Such policies and procedures include, but are not limited to, 09.42811 AP.1, 09.42811 AP.2, 09.42811 AP.22, 09.42811 AP.24, 09.438 AP.1

Discipline for student bullying/hazing may include suspension or expulsion. In addition, the building principal shall consider other actions which may be appropriate responses to student bullying/hazing. These responses may include, but are not limited to: holding student assemblies and implementing programs that are used to prevent and stop bullying/hazing, advising students on consequences of engaging in bullying/ hazing behaviors, developing a communication system that encourages students to report incidences of bullying/hazing, holding conferences with parents of students who continue to engage in bullying/hazing behaviors after intervention, withholding privileges from

students who participate in bullying/hazing behaviors, holding training/in-services to assist in staff development in being alert to student bullying/hazing, taking action against bullying/hazing, and helping create a school climate where bullying/hazing is not tolerated.

DISRUPTING THE EDUCATIONAL PROCESS (See Board Policy 09.426)

Behavior which is disruptive of the educational process shall not be tolerated and shall subject the offending pupil or pupils to appropriate disciplinary action. For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that disrupts the classroom environment and education process or the student challenges the authority of a supervising adult;
2. Conduct which threatens the health, safety, or welfare of others;
3. Conduct which may damage public or private property, including the property of students or staff;
4. Illegal activity;
5. Conduct that materially or substantially interferes with another student's access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities; or
6. Conduct that materially or substantially disrupts the delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

DRESS AND APPEARANCE (See Board Policy 09.427)

ACADEMIC DRESS CODE - GRADES PREK-5

The wearing of items, practice of personal grooming, or unsanitary body condition that, at the discretion of the administration, materially or significantly disrupts the educational process or threatens the health or safety of other students or staff members is prohibited during academic hours. Exceptions to this policy may be made during physical education classes, for medical purposes, religious restrictions, special school activities, or school spirit days. Dress code checks will be administered as needed. Students in violation of the code will be referred to the school administration. The school Family Resource Center will be used to help provide proper attire to students when needed.

GENERAL

STUDENTS SHOULD DRESS IN A MANNER THAT POSITIVELY REFLECTS CREDIT UPON THEMSELVES, THEIR FAMILY, SCHOOL AND COMMUNITY.

No apparel or accessory may be worn that contains logos, pictures, or writings that:
a) Promotes alcohol, tobacco, drugs, violence, or illegal behaviors;
b) Depicts vulgar, obscene, sexual, or racial hate;
c) Contains religious harassment, derogatory language, or profanity; and
d) Includes any writing, symbol, illustration, name, or sign of gang names or graffiti.

SHIRTS/JACKETS

All tops must completely cover a student's midriff/torso at all times (when wearing leggings or yoga pants).

LOWER BODY APPAREL

1. Lower body apparel must be worn at the waistline and extend to at least the mid-thigh

while standing. No skin showing above mid-thigh.
2. Lower body apparel must be of substantial, (no see-through) material.

ADDITIONAL ITEMS

1. Undergarments must be completely covered at all times.
2. Shoes must be worn at all times (closed-toe shoes during gym).
3. Hoods, toboggan/sock/beanie hats, or any other headwear are NOT permitted. Baseball-style hats may be worn at the administration's discretion.
4. Blankets are not to be worn, unless for special events.
5. Any items that may disrupt the educational process are subject to the discretion of the administration.

NOTE: During special school events, spirit days, etc. the dress code may be altered based on the administration's discretion.

ACADEMIC DRESS CODE - GRADES 6-12

The wearing of any item, practice of personal grooming, or unsanitary body condition that, at the discretion of the administration, materially or significantly disrupts the educational process or threatens the health or safety of the individual or other students is prohibited during the academic hours of 8:10 a.m.-3:35 p.m. Exceptions to this policy may be made during physical education classes, for medical purposes, religious restrictions, special school activities, or school spirit days. Dress code checks WILL occur EACH DAY and are authorized by any staff member. If students are found to be in violation, they will be referred to an administrator.

GENERAL

Students should always dress appropriately for the occasion and avoid extremes in dress, cosmetics, and hairstyles. Students should feel a responsibility to present a suitable appearance so that they may reflect credit upon themselves, their family, school and community. No apparel or accessory may be worn that contains logos, pictures, or writings that:

- Promote alcohol, tobacco, drugs, violence, or illegal behaviors
- Depict vulgar, obscene, sexual, or racial images
- Contain religious harassment, derogatory language, or profanity
- Include any writing, symbol, illustration, name or sign of gang names or graffiti.

NOTE: Undergarments must be completely covered at all times.

Shirts/Jackets

1. Tank tops (Spaghetti straps, cut-offs, etc.) are not permissible.
2. All tops must completely cover a student's torso (when wearing leggings or yoga pants) and shoulders at all times.
3. Exposure of cleavage is unacceptable.
4. Long jackets and trench coats are not allowed.

Lower Body Apparel

1. Lower body apparel must be worn at the natural waistline and extend to 3 inches above the knee. No skin showing 3 inches above the knee, including holes in pants/jeans.
2. No sagging pants are allowed.
3. Lower body apparel must be of substantial, not see-through, material.

4. Sweatpants/sets are allowed.

ADDITIONAL ITEMS

1. Shoes must be worn at all times.
2. No gloves may be worn.
3. Any headwear that covers a student's ears and conceals earbuds/headphones – thus presenting communication and/or safety challenges – are NOT permitted. Baseball-style hats may be worn at the administration's discretion.
4. No bandanas in any form are allowed.
5. Only medically necessary prescription sunglasses may be worn.
6. Blankets are not to be worn or used inside the building.
7. No sleep apparel such as pajamas, flannel pants, or house shoes may be worn.

Dress code protocol may be altered but still monitored during other activities such as dances, field trips, etc., and corrected at the administration's discretion.

Note: Building administrators, or administrator's designees (teachers, coaches, chaperones, etc.) will be responsible for ensuring the enforcement of this district dress code.

CORRECTIVE ACTION FOR DRESS CODE VIOLATIONS

Faculty and administrators are responsible for enforcing the school dress code.

- Minor dress code violations that can be corrected without new clothing may be corrected on the spot; however, all such violations should be reported to the administration.
- Students with major dress code violations that require new clothing shall be sent to the front office, and they will not be allowed to return to class until the violation is corrected.
- Inappropriate items collected will be returned at the end of the day to the student or guardian.
- Students with major violations must call their parents to bring them appropriate attire, change into other appropriate attire of their own, or wear clothing provided by the school.
- Students are unexcused while out of class correcting violations.
- Students who refuse to correct violations immediately will be placed in ISD or suspended.

DRESS CODE FOR SCHOOL DANCES/SPECIAL EVENTS

All school dances, including formal, casual and semi-formal attire, will follow the school dress code with these additional requirements:

- Shorts and t-shirts, meeting the proper dress code, are allowed for casual dances.
- Shirts must be buttoned and may not be removed during the event.
- Dresses/shirts can have straps, sleeves, or be strapless.
- Dress length must be mid-thigh or longer.
- Slits in dresses must not be higher than mid-thigh.

Students not following this dress code policy will not be allowed to attend the event.

CONDUCT ON SCHOOL BUS (See Board Policy 09.226)

Pupils shall conform to transportation rules and regulations prescribed under state statutes, state and local regulations, and the District Transportation Services Policy.

The District Transportation Services Policy shall be provided to all transported students and their parents/guardians. Each student and at least one (1) of their parents/guardians shall acknowledge in writing the receipt, comprehension, and agreement of adherence to the Transportation Services Policy.

1. Pupils shall wait at their assigned bus stop off the roadway and shall remain there until the driver has stopped the bus, opened the entrance door, and signaled the pupils to enter the bus.
2. Pupils shall not cross the roadway when entering the school bus until signaled to do so by the bus driver.
3. When students are required to cross the roadway when entering or leaving the school bus, crossings shall be made in front of the bus. Pupils shall cross approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.
4. When pupils enter the bus, they shall proceed directly to a seat.
5. Pupils shall remain seated until the bus has come to a complete stop.
6. Pupils shall not extend their arms, legs, or heads out the bus window
7. Pupils shall not change from one seat to another while the bus is in motion unless given permission by the driver.
8. Pupils shall not create noise on the bus to the extent that it might distract the bus driver or to the extent that it might interfere with the driver's ability to hear signals of emergency vehicles or an approaching train.
9. At no time shall students be permitted to eat, drink, or use tobacco products while riding the bus. (See Board Policy 06.343)

SUICIDE PREVENTION (See Board Policy 09.22)

Suicide awareness information will be given to our students and can be accessed at our schools. All threats are taken seriously and should be reported to school personnel who have training to respond to emergencies.

CARE OF SCHOOL PROPERTY (See Board Policy 09.421)

Pupils shall be held responsible for damage to school property.

Any pupil, organization, or group of pupils participating in activities who destroys, defaces, or removes school property shall be subject to disciplinary action and liability for the cost of restoring the property.

Parents shall be liable for property damage caused by their minor children.

CHILD FIND

Children and youth determined eligible for special education include those children and youth with disabilities who have hearing impairments, vision impairments, emotional and behavior disorders, both deafness and blindness, health impairments, specific learning disabilities, mental disabilities, multiple disabilities, speech and language impairments, physical disabilities, autism, or traumatic brain injuries, and who because of these impairments need specially designed instruction and related services.

The district has an ongoing Child Find system, which is designed to find any child or youth, age three through twenty-one years, who may have a disability and need special education. This includes children and youth who are not in school or those who are in school but are not receiving the special education they need to have an appropriate public education.

The Muhlenberg County School District will make sure any child or youth who has a disability, regardless of how severe the disability, is provided an appropriate public education at no cost to the parents of the child or youth.

Parents, relatives, public and private agency employees, and concerned citizens are urged to help

Muhlen berg County Schools find any toddler, child, or youth who may have a disability and need special education and related services. The district needs to know the name and date of birth of the child or youth; the name, address and phone number of the parent or guardian; the possible disability; and other information to determine if special education is needed.

Letters and phone calls are some of the ways Muhlenberg County Schools collect the information needed. The information the school district collects will be used to contact parents to determine if referral and evaluation are needed. If you know of a child or youth who lives in the district who may have a disability and is not receiving needed services please contact: Director of Special Education, Muhlenberg County Schools, 510
W. Main Street, Powderly, KY 42367, or phone (270) 338-2871. The district office is open Monday through Friday, from 8 a.m. to 4:00 p.m.

Child Find activities will continue throughout the school year. As part of these efforts, Muhlenberg County Schools will use screening information, student records, and basic assessment information it collects on all children and youth in the district to help locate those children and youth who have a disability and need special education.

Any information the district collects through Child Find is maintained confidentially.

DESTRUCTION OF EDUCATION RECORDS

For students who have been determined eligible for programs for children and youth with disabilities, educational records will be destroyed at the request of the parent when they are no longer needed to provide educational programs and services. The Muhlenberg County School District will destroy the educational records of a child or youth without a parent's request, in accordance with the state records retention schedule. Parents are advised that data contained in the records may be needed at a later date for Social Security purposes. The MCSD retains for an indefinite period of time a record of the student's name, address, telephone number, grades, attendance record, classes attended, grades completed, and year completed.

NOTICE TO PARENTS OF TEACHER'S QUALIFICATION/CERTIFICATION

Information regarding the professional qualifications of their child's classroom teacher related to federal law may be requested at the school their child attends.

NOTICE OF ASBESTOS MANAGEMENT PLAN

The district Asbestos Management Plan is available for review at the central office.

HARASSMENT/DISCRIMINATION (SEE BOARD POLICY 09.42811) PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)
District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

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

GUIDELINES

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.
Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent.

PROHIBITED CONDUCT

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

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the stu dents, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.
Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

FALSE COMPLAINTS

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

Title IX Notification to Parents/Guardians

Muhlenberg County School District is committed to providing a working and learning environment that is free from discrimination based on sex, including sexual harassment and sexual violence. The District does not discriminate on the basis of sex in any of its education or employment programs or activities. Title IX of the Education Amendments of 1972 ("Title **IX"),** its regulations, and certain other federal and state laws prohibit discrimination in such a man ner. Under Title IX, discrimination on the basis of sex includes sexual harassment. Please see Appendix A at the end of this manual for the documents pertaining to the district's Title IX policies and procedures. These documents may also be found at the following link on the district website:_ http://muhlenberg.kyschools.us/1J2=2l904

Title IX's requirement not to discriminate in any of the District's education programs or activities applies to both students and employees and extends to both admission and employment. Inquiries about the application of Title IX and its regulations to the District may be referred to the District's Title IX Coordinator, the

Assistant Secretary for Civil Rights of the United States Department of Education, or both. The district Title IX Coordinator contact information is as follows:

Title IX Coordinator
Adam Gish
Muhlenberg County Board of Education 510 West Main
Powderly, KY 42367 Adam.Gish@muhlenberg.kyschools.us
PH: 270-338-2871

APPENDIX A

Title IX Sexual Harassment

INTRODUCTION AND SCOPE

A United States Department of Education regulation published on May 19, 2020 defines sexual harassment for purposes of Title IX (sometimes referred to in policy and procedure as 'Title IX Sexual Harassment"). In addition to numerous other mat ters, the regulation sets forth grievance procedure requirements that apply (including the initiation of a "formal complaint") before there is a determination that a student is responsible for Title IX Sexual Harassment. The applicable definition of sexual harassment describes serious sexual misconduct. If the alleged actions that are the subject of a formal complaint do not descend to the level of conduct described in the definition of Title IX Sexual Harassment; do not take place in a "program or activity" of the school District within the meaning of Title IX; or do not take place in the United States, the formal complaint must be dismissed.

Such a dismissal does not mean that the alleged offending patty cannot be the subject of investigation or discipline on grounds other than "Title IX Sexual Harassment" as addressed in Board policy or law, including conduct allegedly constituting sexual harassment or other sexual misconduct that does fall within the definition of "Title IX Sexual Harassment."'

PROHIBITION

Title IX Sexual Harassment in educational programs or activities of the District is prohibited.

GRIEVANCE PROCEDURE

The District shall provide a Title IX Sexual Harassment grievance procedure that treats complainants and respondents equi tably as required by Federal Regulation.[2]

DEFINITIONS

Title IX Sexual Harassment

"Title IX Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). For purposes of this definition; "sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is an act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.'

   The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

   The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

   The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

APPENDIX A

(Continued)

Title IX Sexual Harassment

DEFINITIONS (CONTINUED)

Title IX Sexual Harassment (continued)

CONSENT
"Consent" means a voluntary expression of willingness, permission, or agreement to engage in sexual activity throughout a sexual encounter. Consent cannot be granted by an individual: who is less than the statutory age of consent under Kentucky criminal law, has a mental or physical condition or incapacity that prevents the giving of consent; or from whom ostensible "consent" is extracted through threat, coercion, or forcible compulsion.

COMPLAINANT
"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This applies to such individuals even if no formal complaint is filed. Only a complainant who is participating or attempting to participate in the District's educational programs or activities may file a formal complaint.

RESPONDENT
"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. This applies to such individuals even if no formal complaint is filed. Only a person in his or her individual capacity is subject to a Title IX investigation.

TITLE IX COORDINATOR (TIXC)
The TIXC is the individual or individuals designated and authorized to coordinate District Title IX programs. The TIXC is expected to engage in activities intended to provide a fair and neutral process for all parties, including implementation of supportive measures and remedies where appropriate. The District may use coordinators and/or deputy coordinators.

FORMAL COMPLAINT
"Formal complaint" means a document filed by a complainant or signed by the TIXC alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the TIXC in person, by mail, or by electronic mail, by using the contact information provided by the District. The complaint document may be physical or electronic, shall contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. Where the TIXC signs a formal complaint, the TIXC is not "the complainant" or otherwise considered a party, but is to comply with applicable procedures.

SUPPORTIVE MEASURES
"Supportive measures" mean nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, ex tensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, unilateral restrictions on contact that are not unreason ably burdensome on a respondent, changes in work or housing locations, increased security and monitoring of cer tain areas of the campus, and other similar measures. Supportive measures shall be confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The TIXC is responsible for coordinating the effective implementation of supportive measures.

APPENDIX A

(Continued)

Title IX Sexual Harassment

DEFINITIONS (CONTINUED)

Title IX Sexual Harassment (continued)

EDUCATION PROGRAM OR ACTIVITY
"Education program or activity" means District operations and includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

PREPONDERANCE OF THE EVIDENCE
"Preponderance of evidence" means evidence that is of greater weight or more convincing that an asserted fact or facts oc curred than evidence in opposition to such facts. It is evidence which as a whole shows that an assertion to be proven is more likely than not.

REGULATION AND POLICY DOES NOT AFFECT PARENT RIGHTS
Absent a court order or other legal requirement to the contrary, a parent or guardian is authorized to act on behalf of a minor student regarding decision-making and the exercise of rights under the Title IX Sexual Harassment policy and procedure, including the opportunity to accompany a minor student to meetings and interviews.

SEGREGATION OF FUNCTIONS / CONFLICT OF INTEREST
The TIXC, investigator, decision maker(s), and any informal resolution facilitator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals are to serve impartially without prejudgment of the facts at issue. The investigative, initial decision-making, appellate decision making, and resolution functions must be performed by different trained individuals, who may be District employees or contractors.

CONFIDENTIALITY
With respect to its administration of Title IX Sexual Harassment policies and corresponding procedures, the District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted under FERP A•, required by law, or to carry out Title IX purposes, including the conduct of any investigation, hearing or Title IX judicial proceedings.
Investigative evidence directly related to the allegations of a formal complaint gathered by the District is subject to inspec tion and review by the parties but is not to be disseminated to the public. The United States Department of Education rule commentary provides that under the applicable FERP A definition of "education records" a parent of a complainant or respondent (or eligible student) has a right to inspect and review any witness statement that is directly related to the stu dent, even if that statement contains information that is also directly related to another student, if the information cannot be segregated or redacted without destroying its meaning .[4]

EMPLOYEES SHALL REPORT
Employees who believe or have been made aware that they or any other employee, student, or visitor has been subject to Title IX Sexual Harassment shall report it to the TIXC. Failure to make such. a report shall be grounds for discipline up to and including termination. If the knowledge of the reporting party gives rise to reasonable cause to believe that the reported conduct constitutes child abuse Policy 09.227 or a reportable criminal offense Policy 09.221 1, notification of state officials shall be made as required by law.[6]

FALSE REPORTS PROHIBITED

Employees or students who intentionally make false reports related to the District's administration of this policy and the corresponding procedures, are subject to disciplinary sanctions under applicable District policy, law, or the Code of Acceptable Behavior and Discipline, as applicable.

RELATED EVIDENCE RULES SUMMARY

The following rules apply to the District investigation and grievance process under the Title IX Sexual Harassment regulation:

a) The District shall not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

b) The District cannot access, consider, disclose, or otherwise use a party's records made or maintained in connection with provision of treatment to the party by medical or mental health professionals or paraprofessionals unless the District obtains written consent from the party.

c) Questions and evidence about the complainant's sexual predisposition or prior behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct or, such questions or evidence are offered to prove consent.

RETALIATION PROHIBITED

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any Title IX investigation, proceeding, or hearing.

REFERENCES:

[2]34 C.F .R. § 106.45
[3]KRS 510.020
•35 Fed. Reg. 30433 (May 19, 2020)
Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35. 107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104. 7)
Title IX of the Education Amendments of 1972 (20 USC§ 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. § 1092(f)(6)(A)(v)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) 34
U.S.C. § 12291 (a)(l0)
34 U.S.C. §12291 (a)(3)
34 U.S.C. §1229 **1** (a)(8)

RELATED POLICIES:

'03.162; 03.262; 09.42811
'09. 14
[6]09.227; 09 .22 11
03.1621; 03.262 1

A copy of these documents and the related procedures may also be found at the following link on the district website at www.mberg.k12.ky.us or by scanning the QR code below.



Adopted/ Amended: 8/20/2020
Order #: .2551

MUHLENBERG COUNTY BOARD OF EDUCATION
510 West Main Street
Powderly, Kentucky 42367
Phone (270) 338-2871
Fax (270) 338-0529

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Logan Porter	Vice-Chairman
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Carrie Clark, Principal .....Renaissance Center

The complete board policy and procedures book is available for viewing on the board's website:
www.mberg.k12.ky.us