



# Caverna Independent Schools Student Code of Conduct Of Acceptable Behavior & Discipline

Caverna Independent Schools  
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Cave City, KY 42127  
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Approved by the Caverna Board of Education on July 11, 2019  
[www.caverna.kyschools.us](http://www.caverna.kyschools.us)

# Student Discipline Code

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The Student Discipline Code was reviewed by the following committee members:

Cornelius Faulkner	Superintendent
Nathan Wyatt	Asst. Superintendent, District Programs
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Susan Mathews	Director of Special Education
Chris Crain	Principal, Caverna High School
Tina Southwood	Principal, Caverna Elementary School

The Student Discipline Code, (Code of Acceptable Behavior and Discipline), is reviewed with students at the beginning of the school year. The parent/guardian and student shall sign and return to school, a statement acknowledging receipt of the Student Discipline Code of Behavior and Conduct.

No provisions in this Student Discipline Code are intended at grant students or parents/guardians, throughout this district, more rights than are provided by the United States Constitution, federal statutes, the Kentucky Constitution, and/or Kentucky statutes, and are instead intended solely to reflect the Caverna Independent Schools' understanding and intended application of those federal and state constitutional and statutory provisions.

The Board of Education does not discriminate on the basis of race, color, national origin, age, religion, sex, genetic information or disability in employment, educational programs or activities. Our Title IX Coordinator is Cornelius Faulkner. Our 504 Coordinator is Susan Mathews. The phone number is 270-773-2530 and the address is 1102 North Dixie Hwy, Cave City, KY 42127.

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## **Policy Statement**

The Caverna Board of Education 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 administrative procedures of the school district and the laws of the community and state. It is the intent of the Caverna Board of Education to provide a positive school climate for all participants (students, teachers, parents/guardians) in the schooling process; therefore, the Board of Education believes that every student has the right to a relevant education without disruption and a corresponding responsibility not to deny this right to other students.

Since students will spend their lives in contact with others, they must learn to control themselves and be effective in training themselves to be self-disciplined, socially responsible citizens. The Board believes it to be a reasonable expectation for students to exhibit self-disciplined behavior. Disciplinary methods used by personnel will be aimed at not only preserving an atmosphere conducive to learning, but also developing student codes of behavior that are consistent with society. The school district is responsible for the school placement of students. The district reserves the right to place students in a different school setting due to behavioral issues.

This Student Discipline Code provides for consistent treatment for all pupils, fairness as required by constitutional due process and an atmosphere of open communication with clearly understood rules. It encourages behavior that will enable the pupils to develop to their fullest potential. Students will be responsible for this code in school, at school sponsored or related activities and on school buses.

In accordance with KRS 158.148, the board shall develop a student discipline code that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, legal guardians, or other persons exercising custodial control or supervision. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees. The code shall establish standards of acceptable student behavior and discipline and may include district-wide standards of behavior for students who participate in extracurricular and co-curricular activities. The Student Discipline code also shall include a process addressing how students can report code violations to district personnel for appropriate action. Once reviewed and approved, the student discipline code shall be distributed to students and parents in the district, including those students who enroll during the school year. The board shall update the Student Discipline Code at least every two (2) years. As directed by the Kentucky Department of Education (KDE), the district shall report to the Center for School Safety when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under KRS 525.070 or KRS 525.080 in relation to a serious incident. Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.  
*Related Policies: 09.16, 09.2211, 09.4, 09.422, 09.4281, 09.42811, 09.43, 09.431, 09.438*

## **School Authority**

The Superintendent/Designee shall be responsible for overall implementation and supervision of the board's Student Discipline Code and each principal shall be responsible for administration and implementation of the code within each school. The principal (refers to principal, assistant principal and designee when appropriate), shall apply the code uniformly and fairly to each student without partiality

or discrimination. Each school council shall set school policy concerning the selection and implementation of appropriate discipline and classroom management necessary to carry out the code.

Each teacher and administrator shall hold students to a strict account for their conduct on school premises, on the way to and from school, and on school sponsored trips and activities. Any person who enters school property is under the authority of the school during such time as he/she remains on school property, and he/she shall abide by all rules and regulations as set by the State Board, or school officials. (*Legal Ref: KRS 161:180*), Each teacher is primarily responsible for monitoring the conduct of students assigned to his/her class, however, the teacher should also assume responsibility for correcting improper conduct on the part of students of any level in any situation around the school, if they are not under the direct supervision of another person at that time. The classroom teacher is expected to work out discipline problems as much as possible. If it becomes necessary, students in question should be referred to the principal's office. In addition to the superintendent and superintendent's designee, principals and assistant principals are empowered to suspend students, but shall report any such action in writing immediately to the superintendent/designee and to the parent or guardian.

The principal shall oversee the deportment of students who ride on the school bus and who walk to and from the school. The discipline of students is the responsibility of the principal who will decide the appropriate level of discipline for each reported incident. Factors that the principal may consider are the seriousness of the incident, the student's age, and educational factors. The principal is authorized to withhold bus-riding privileges up to a maximum of ten (10) school days per occurrence in the case of habitual or serious conduct violations. The principal shall notify the parents in cases where bus-riding privileges have been withheld. The superintendent or the superintendent's designee may withhold bus-riding privileges up to the remainder of the school year. The board has given the bus driver the responsibility of safely transporting students to and from school. The bus driver also has the authority to manage student behavior on the bus to maximize safe transportation.

*Related Policies: 09.226, 09.4, 09.42, 09.434, 09.438*

### **Student and Parent Rights and Responsibilities**

In order to effectively participate in the democratic process as adults, students must learn to respect the rights of others and to interact with them in a civil manner. Therefore, students are required to speak and behave in a civil manner toward students, staff and visitors at all times. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, use of lewd, profane or vulgar language or action, taunting, verbal or physical abuse of others, and/or other threatening inappropriate behavior.

Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered. (*Related Policy: 09.422*)

Students are expected to follow the regulations in the Student Discipline Code. If students are aware of anything impacting the safety of others or anything which may be a violation of the Student Discipline Code, they should report the information to a teacher or administrator. Upon receiving notification, an administrator will investigate the claim and respond accordingly to district policy and state guidelines.

#### **Students have the right to:**

- An appropriate public education which maintains high education standards and meets the needs of the individual students.

- Reasonable and timely notice of all rules, regulations, policies, and penalties to which they may be subject.
- Reasonable physical safety and protection of their personal property.
- Consultation with teachers, counselors, administrators, and other school personnel.
- Free election of their peers in student organizations in which students have the right to seek and hold office.
- Examination of their own personal school records, by the students, their parents/guardians or their authorized representatives.
- Involvement in school activities without being subject to discrimination on the basis of race, sex, or religion.
- Respect from other students and school personnel.
- Present complaints or grievances to school authorities and receive replies from school officials regarding such matters.

**Each student has the responsibility to:**

- Be accountable for his/her own conduct and for showing consideration for the rights and property of others.
- Exhibit neatness and cleanliness of person, of dress, and have acceptable personal hygiene.
- 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.
- Refrain from gambling, extortion, theft, or any other unlawful activity.
- Refrain from using tobacco, or using, possessing, or transmitting any alcoholic beverage or illegal or controlled substance.
- Show respect for the educational process by taking advantage of every opportunity to further his/her education.
- Practices self-control at all times.
- Care for the equipment of physical facilities of the school refraining from willful destruction and damage.
- Follow the rules and regulations of the Board of Education and/or the school administration.

**Parents/Guardians have the right to:**

- Send their child to school with an environment where learning is valued.
- Expect that classroom disruptions will be dealt with fairly, firmly and quickly.
- Enroll students in the Kentucky School District where they shall attend classes regularly and promptly with minimal interruption.
- Expect the school to maintain high academic standards.
- Review the student's academic progress and other pertinent information that may be maintained in the student's personal records.
- Address any questions concerning their child to the proper authority and to receive a reply in a reasonable time period.

**Parents/Guardians have the responsibility to:**

- Instill in their children the values of an education.
- Instill in their children a sense of responsibility.
- Instill in their children a sense of respect.

- Understand that unnecessary interruptions in the school are detrimental to the educational program for all students.
- Be familiar with the educational program and the procedures.
- Inform children about the disciplinary procedures of the school and emphasize the importance of following those procedures.
- See that children attend school regularly and promptly.
- Check with the proper school officials regarding the facts of any situation that they might question.
- Support the efforts of school personnel.
- Demonstrate respect for the teachers, administrators, school personnel at school and all school related activities.
- See that students exhibit neatness and cleanliness in their personal attire and hygiene.
- Report any unsafe condition to school authorities.
- Inform school officials of new contact information, including phone numbers and addresses, so school officials can maintain accurate records.

### **Harassment and Discrimination**

Harassment/Discrimination is behavior based on race, color, national origin, age, religion, sex, or disability that is sufficiently severe, pervasive, or objectively offensive that adversely affects a student's education or creates a hostile or abusive educational environment. The Caverna Board of Education has adopted policies where students are not denied equal education opportunities and do not suffer harassment. The Caverna Board of Education hereby declares its intention to fully comply with provisions of the Rehabilitation Act of 1973, as amended (commonly referred to as Section 504) and the Americans with Disability Act (ADA). In accordance with the aforementioned acts, no programs, policies or practices of this agency will discriminate on the basis of a disability.

Examples of conduct and/or actions prohibited include but are not limited to the following:

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

When a student or parent believes the student has been harassed or discriminated against, a complaint may be filed using the following procedure:

1. The student or parent makes a written complaint to a counselor or principal (or to the superintendent's designee if the principal is an alleged party to the harassment or discrimination). The written complaint shall be forwarded to the principal or superintendent's designee.

2. The principal (or superintendent's designee) shall promptly investigate the allegation, may attempt to resolve the issues presented, shall keep the superintendent advised, and may take corrective measures if warranted.
3. District employees involved in the investigation of the complaint shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violation.

The Caverna Board of Education intends that the program shall be in full compliance with the Title IX Federal provisions and with the provisions of all Disability Education Acts. *Related Policies: 03.162, 03.262, 09.13, 09.227, 09.422, 09.426, 09.42811*

**Conduct Definitions:**

Conduct fitting the definitions below and other similar definitions which injures, degrades or disgraces the victim, disrupts the educational process and/or interferes with other students' opportunities to obtain an education, will be subject to disciplinary action. Students should generally maintain a "hands-off" policy with regard to other persons' bodies and possessions, and no student should engage in behavior toward someone else which they would not want directed toward themselves (follow the "Golden Rule"). Students who witness these behaviors or who are subject to these behaviors are encouraged to report the behavior to a teacher or other staff member. Efforts will be made, if possible, to protect the confidentiality of anyone making a report. Retaliation against a student who has made a report of bullying will be treated as a violation of this section as well.

"Harassment" and "Harassing Communications" under the category of "Bullying" are separate from the definition of "Harassment/Discrimination" which involves behavior based on race, color, national origin, age, religion, sex or disability.

However, a report of a violation of this section will be evaluated by school personnel to determine whether it should be treated as a report of harassment/discrimination which would require an investigation under the "Harassment/Discrimination" section of this Student Discipline Code.

**Bullying and Cyberbullying:**

Bullying encompasses a continuum of behavior that involves the attempt to gain or assert power and dominance over another, with no legitimate purpose. Bullying involves repeated negative behavior carried out over time with a purpose to harm another person physically or mentally, or to benefit oneself through behavior which causes such harm to the other person. Bullying involves either taking advantage of a real or perceived imbalance of power, or is used to create an imbalance of power. Bullying may involve an attempt to cause fear. Examples of behaviors that fall into this category include, but are not limited to the following: inappropriate and unwanted physical contact (including hitting, kicking, shoving and pushing); intimidating and threatening comments (oral, written or electronic); name calling or put-downs (selecting or using a nickname which is intended to embarrass or humiliate); manipulation or coercion of another student to do something the student does not want to do; setting someone up to be bullied or encouraging a student to engage in bullying; sharing or starting rumors or gossip; hurtful teasing or making fun of someone; hiding or destroying someone's belongings; or shunning or excluding someone from a group or activity in order to embarrass or humiliate the person. Bullying may rise to the level of law violation. *Cyber Bullying* involves the use of information and communication technologies includes, but not limited to, email, cell phone, text messages, social networking (examples; instant messaging, personal websites, blogs, online games and online personal polling websites), to support deliberate, repeated, and hostile behavior by any individual or group, that

is intended to harm others by communicating threats, by revealing private or embarrassing information, by conveying false information which can be reasonably anticipated to cause embarrassment, or to accomplish any of the purposes of bullying. This includes but is not limited to the use of any device which records audio, video or still images of another person for no legitimate purpose. Items mentioned in this paragraph may rise to the level of law violation.

**Hazing:**

Hazing involves behavior used as a way of initiating new members into a group. It usually consists of some ritualistic test involving the new member being required to perform a task or series of tasks which are intended to be demeaning, degrading, harmful or embarrassing to the new member or which require the new member to engage in conduct toward others which is demeaning, degrading, harmful or embarrassing. Hazing can include the force or coerced consumption of drugs or alcohol or the forced or coerced performance of lewd or suggestive acts. Items mentioned in this paragraph may rise to the level of law violation.

**Menacing:**

Menacing involves actions, sometimes accompanied by words, used to intentionally place another person in reasonable apprehension of imminent physical injury. Menacing is exemplified by the raising and drawing back of a hand or fist in order to make the other individual believe he/she is about to be slapped or punched, or the swinging or jabbing of a hand toward someone to cause him/her to flinch, duck or raise his/her hands in anticipation of being struck. Items mentioned in this paragraph may rise to the level of law violation.

**Harassment:**

Harassment involves the intent to intimidate, annoy, or alarm another person. This intent is accompanied by one or more of the following behaviors: striking, shoving, kicking or other physical contact with another person; the attempt to strike, shove, kick or engage in other physical contact toward another person; using an offensively coarse utterance, gesture, display toward another person; addressing abusive language toward another person; following a person in or about a public place; engaging in a course of conduct or repeatedly committing acts which alarm or seriously annoy another person which serves no legitimate purpose; or damaging or committing theft of the property of another student; substantially disrupting the operation of the school; or creating a hostile school 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. Items mentioned in this paragraph may rise to the level of law violation.

**Harassing Communications:**

Harassing Communication involves the intent to intimidate, annoy or alarm another person. This intent is accompanied by one or more of the following behaviors: communicating with a person, anonymously or otherwise, by telephone, mail or any other form of electronic or written communication in a manner which causes annoyance, alarm and serves no purpose of legitimate communication, or communicating with or about another student, anonymously or otherwise, by telephone, the Internet, 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. Items mentioned in this paragraph may rise to the level of law violation.

**Stalking:**

Stalking involves intentional conduct which is directed at a specific person or persons; which seriously alarms, annoys, intimidates or harasses the person or persons; which serves no legitimate purpose, and which would cause a reasonable person to suffer substantial mental distress. Stalking does not involve merely following another person or regularly observing another person's actions, but includes behavior which conveys a threat of harm to the other person or which can be reasonably anticipated to cause the other person to fear harm. Items mentioned in this program may rise to the level of law violation.

**Duty to Report (KRS 158.156)**

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 local police, sheriff, state police and principal of the school attended by the victim. When a student is involved in an incident reportable under this section the principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student. The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report a written report containing: (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision; (b) The student's age; (c) The nature and extent of the violation; (d) The name and address of the student allegedly responsible for the violation; and (e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.

**Care of School and Personal Property**

Pupils shall be held responsible for damage and/or theft to school property. Any pupil, organization, or group of pupils participating in activities who destroys, defaces, damages or removes school property shall be subject to disciplinary action and liability for the cost of restoring the property. In addition, when 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 damage to school property, removal and/or theft. For the purposes of determining when to make this report, damage to school property shall refer to instances involving the following: Intentional harm, and/or damage beyond minor loss or breakage, excluding normal wear and tear. Any pupil, organization, or group of pupils who steals or willfully or wantonly destroys, defaces, or damages personal property of school personnel on school property, off school property, or at school sponsored activities shall be subject to suspension or expulsion from school. Any pupil, organization, or group of pupils participating in activities who destroys, defaces, damages or steals the personal property of students shall be subject to disciplinary action. Parents shall be liable for property damage caused by their minor children. *Related Policy: 09.421*

**Use of Tobacco, Alternative Nicotine, or Vapor Products Prohibited**

The use of any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 is prohibited for all persons and at all times on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board and while attending or participating in any

school-related student trip or student activity and is in the presence of a student or students. Related Policy: 09.4232

### **Student Medication**

Prescription and/or over the counter medicines, including aspirin, shall not be provided by the school for the purpose of administering to pupils. Antiseptic and appropriate other emergency medications shall be maintained in the first aid kit. Pupils may take medicine which is brought from home once a completed authorization form from the parent/ guardian is on file.

### **Self-Administration**

Under procedures developed by the superintendent, a student may be permitted to carry certain medication that has been prescribed or ordered by a physician to stay on or with the pupil due to a pressing medical need.

Provided the parent/guardian and physician files a completed authorization form each year as required by law, a student with asthma or who is at risk of having anaphylaxis shall be allowed to carry emergency medication.

Students shall not share any prescription or over-the counter medication with another student. Each year, the district shall notify students in writing of this prohibition and that violations shall result in appropriate disciplinary action, including but not limited to suspension or expulsion. *Related Policy: 09.224, 09.2241*

### **Authorized Medication**

Use of a drug authorized by and in accordance with a prescription/documentation from a physician or dentist shall not be considered in violation of this policy. However, it will be considered a violation of this policy if there is reason to believe a pupil has abused the drug prescription by its use in a manner inconsistent with the prescription.

## **Drugs/Controlled Substances**

No pupil shall possess, use, sell, or distribute any of the following 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:

- Alcoholic beverages, controlled drug substances, synthetics and drug paraphernalia;
- Substances that “look like” a controlled substance. In instances involving “look-a-like” substances, there must be evidence of the student’s intent to portray the non-controlled or non-prescribed item as a controlled substance;
- Non-controlled substances that cause a rush or high from inhaling, including but not limited to paint, glue, white out, bath salts or stimulants in pill or powder form such as caffeine pills or powders;
- Prescription drugs for the purpose of sale or distribution.
- All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

### **Drugs Defined**

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 218A. Abuse of a prescribed medication shall be a violation of this policy.

### **Drug Penalty**

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams and/or other school sponsored activities. Students may be immediately suspended under this policy for up to ten (10) days and may result in expulsion.

### **Reporting Drugs**

Employees of the district shall promptly make a report to local police, sheriff or state police, and the principal, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession or sale of controlled substances on the school property or within one thousand (1,000) feet of school property, on a school bus, or at a school-sponsored or sanctioned event.

### **First Offense for Use or Possession of Drugs/Alcohol**

For possession, use, or being under the influence of alcoholic beverages, narcotics, drugs, counterfeit controlled substances or look-alike and/or possession of drug paraphernalia, the student will receive an immediate five to ten day suspension and assignment to alternative school (grades 6-12). The student will also receive a suspension or dismissal from athletic teams and/or other school sponsored activities. Parents and appropriate law enforcement authorities will be immediately notified when violation of laws governing use, possession or sale of alcohol or other controlled substances has occurred.

**Second Offense (Use/Possession):** A second offense of the policy will result in a ten day suspension and recommendation for expulsion.

**First Offense for Sale or Transmission:** For sale or transmission of alcoholic beverages, narcotics, drugs, counterfeit controlled substances or look-alikes, the student will receive an immediate ten (10) day suspension and assignment to alternative school (grades 6-12) or recommendation for expulsion.

**Second Offense (Sale/Transmission):** A second offense of the policy will result in a ten day suspension and recommendation for expulsion.

**Caffeine Pills/Over the Counter Stimulants:** For the use of, possession of, or transmission of caffeine pills or other over-the-counter stimulants, the student will receive an immediate five to ten day suspension and possible assignment to alternative school.

### **Awareness Program**

The superintendent/designee shall establish a drug free/alcohol-free awareness program for students, which shall include notice of the following:

- the dangers of drug/alcohol abuse in the schools/buses;
- the district's policies and related procedures on drug-free/alcohol-free schools;
- the requirements for mandatory compliance with the district's established standard of conduct;
- information about available rehabilitation/student assistance programs; and

- penalties that may be imposed upon students for drug/alcohol abuse violations.

*Related Policy: 09.423*

### **Assault and Threats of Violence**

For purposes of this policy, a “threat shall include but not be limited to, physical assault, battery or abuse of others; the threat of physical force; the carrying, possessing, or transfer of weapons or dangerous instruments, and any other behavior which may endanger the safety of others.

#### **Assault and Threats of Violence on Pupils**

Any pupil who threatens, assaults, batters or physically or verbally abuses another pupil, or pupils, shall be subject to appropriate disciplinary action up to and including suspension or expulsion from school and/or legal action.

#### **Assault and Threats of Violence on School Personnel**

Any pupil who threatens, assaults, batters or physically or verbally abuses any school personnel shall be subject to appropriate disciplinary action up to and including suspension or expulsion from school and/or legal action. Whenever a teacher or school administrator is functioning in his capacity as an employee of a board of education of a public school system, it shall be unlawful for any person to direct speech or conduct toward the teacher or school administrator when such person knows or should know that the speech or conduct will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school.

#### **Removal of Students Due To Assault and Threats of Violence**

School administrators, teachers, or other school personnel may immediately remove, or cause to be removed, threatening or violent students from a classroom setting or from the district’s transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
2. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

Removal of students from a bus shall be made in compliance with 702 KAR 5:080. Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal/Designee shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Kentucky State Police, by telephone or otherwise, if:

- The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
  - A misdemeanor or violation offense under the laws of this Commonwealth and relates to:

- carrying, possession, or use of a deadly weapon; or
- use, possession, or sale of controlled substances; or
- Any felony offense under the laws of this Commonwealth; and
  - The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at school-sponsored or sanctioned event.

### **Notification Requirements**

Any school employee assigned to work directly with, or who comes in contact with, a student with a documented history of weapons violation and/or physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee, guidance counselor or other school official who has knowledge of the student's behavior prior to the assignment or contact.

### **Risk Assessment Process**

The Caverna Independent School District has developed a Risk Assessment Process. Any student who threatens to harm himself/herself or others; either in writing, verbally or by possession of a weapon or other means of inflicting harm, will be evaluated as soon as possible by mental health specialists or school psychologist. An appropriate plan of action will be formulated that may include recommendations for treatment and possible disciplinary actions. The student may be prohibited from returning to school until the assessment process is complete.

### **Restraint and Seclusion**

Seclusion may be implemented only if: the student's behavior poses an imminent danger of physical harm to self or others; less restrictive interventions have been ineffective in stopping the imminent danger of physical harm; the student is monitored visually for the duration of the seclusion; and staff is appropriately trained to use seclusion. Use of physical restraint by trained personnel is permitted when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. Following each incident of physical restraint or seclusion of a student and if the student is not an emancipated youth, the parent of the student shall be notified of the incident either verbally or through electronic communication as soon as possible within twenty-four (24) hours of the incident.

704 KAR 7:160, KRS 503.050, KRS 503.070, KRS 503.080, KRS 503.110 *Related Policy: 09.2212*

## **Weapons**

*This policy applies to students, staff members, and visitors to the school.*

### **Weapons Prohibited**

Except where expressly and specifically permitted by Kentucky Revised Statutes, knowingly carrying, bringing, using, or possessing any weapon or dangerous instrument in any school building, on school grounds, in any school vehicle, personal vehicle or at any school sponsored activity is prohibited. Such weapons or dangerous instruments include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun, chains, slingshot, bludgeon, booby trap device, brass knuckles or artificial knuckles of any kind, knife which is readily capable of causing death or serious physical injury (including but not limited to pocket knives or hunting knives) or any other object that is carried for the purpose of or

potential of inflicting injury on another. Weapons implicating the need to report to law enforcement are described in Board Policy 05.48. An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in KRS527.070. Law enforcement officials are authorized to bring weapons onto school property in performance of their duties.

### **Reporting Weapons**

Refer to Board Policy 05.48 for coverage of deadly weapons and reporting to law enforcement agency. Employees of the district shall promptly make a report to local police, sheriff or state police, and the principal, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the carrying, possession, or use of a deadly weapon on school premises or within one thousand (1,000) feet of school premises, on a bus, or at a school sponsored or sanctioned event. KRS 158.155 (4) mandates the principal, based on reasonable belief, shall report the possession of a firearm to the appropriate law enforcement agency. Employees who receive information from a student or other person regarding conduct required to be reported, shall report the conduct in the same manner as stated above.

### **Enforcement of the Policy Regarding Weapons**

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

### **Penalties Regarding Weapons**

Violation of this policy by students shall require that the Principal immediately make a report to the Superintendent, who shall determine if charges for expulsion should be filed under Policy 9.435. *Related Policies: 05.48, 09.435, 09.436*

## **Search and Seizure**

### **Reasonable Suspicion Regarding Search and Seizure**

No pupil's outer clothing, pockets, or his or her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there is reasonable suspicion to believe the search will reveal evidence that the pupil has violated or is violating either a school rule and/or state or federal law.

### **Authorized Personnel Regarding Search and Seizure**

Searches of a pupil's person or his or her personal effects shall only be conducted by a certified person directly responsible for the conduct of the pupil or the Principal/designee of the school which the student attends. However, when an immediate threat to the health or safety of others occurs off site with no certified employee reasonably available, a non-certified person (i.e., bus driver or coach/sponsor) that is responsible for the students is authorized to conduct the search of a student or his/her personal effects.

### **Witness/Personal Searches Regarding Search and Seizure**

When a pat-down search of 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. In addition, no search of a pupil shall be conducted in the presence of other students. These restrictions shall not apply to situations involving an imminent threat to students or staff where immediate action is required to prevent harm to health and safety. No strip searches of students shall be permitted.

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

### **Regular Inspection Regarding Search and Seizure**

School property, such as lockers, desks, network systems, technology resources and accounts owned or supplied by the district are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all such property and resources on a regular basis. During these inspections, items which are school property, such as overdue library books, may be collected. Students should not expect privacy for items and information left in such locations. A single desk, locker or a technology resource/account 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**

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

### **Disposition of Items**

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

*Related Policies: 09.436, 09.4261*

## **Access to Electronic Media Student Appropriate Use Policy (AUP)**

The Caverna Independent Schools System has placed a substantial investment of both time and money into the placement of technology into the classroom. To protect this investment, it is necessary to set proper guidelines for the utilization of this technology. The following policy is that guideline. It is important to read these guidelines and know what is acceptable and what is not acceptable. These guidelines are the school's implementation of the state mandated rules regarding technology in the school.

### **General Usage**

- I am aware that the computers are the property of Caverna Independent Schools and any information stored in them is the property of Caverna Independent Schools.
- I will not engage in any illegal activity including copyright infringement, vandalism, harassment, or discrimination, i.e. copying licensed software, downloading MP3's, downloading hacking software, ETC.
- I understand that I am financially responsible for any malicious damage, vandalism that I cause. Vandalism is defined as any attempt to harm or destroy a physical computer, the data stored on the computer, operating system, or any applications installed or cause any damage to another student's data, or to upload any known virus or transmit any known virus, or cause any damage to Caverna Independent School's network or file server or other network that are connected to the KETS Internet backbone.
- I will not alter the setup of any school computers or load programs or services without the expressed permission of the School Technology Coordinator and/or District Technology Coordinator.

- I understand that the teachers, network administrators, and the District Technology Coordinator has the right to access any information stored in my user directory, in my computer email account, or on the current screen.

#### Internet Usage

- I will not try to visit sites that have no educational purpose!
- I understand that all Internet traffic of sites visited and duration of time in the pages will be logged.
- I will not knowingly download/upload inappropriate graphics or text from the Internet or via email.
- I understand that accessing audio or video services via the Internet, i.e. Real Audio or Real Video, without the permission of the principal and the District Technology Coordinator is strictly prohibited.
- I will not access newsgroups, chat rooms, or similar services.
- I will not get on the Internet without a teacher's permission because doing so would result in my Internet privileges being revoked.

#### Email usage

- I understand that the use of my school email is for educational purposes only and that the content of my mail will be randomly checked.
- I will not open, forward or create chain letters, joke of the day, prayer of the day, or any other form of non-educational email.
- All third party e-mail accounts (i.e. Hotmail, Yahoo mail, etc.) are expressly prohibited.

#### Network Usage

- I understand that my user account that gives me access to the internet, email, and my home folder will not be activated until an AUP has been signed and returned to your homeroom teacher only.
- I will not attempt to access the network with other user accounts or give their account to another user. Doing so will result in immediate loss of the computer account. I will also protect my username and password to ensure that no one uses it for any reason. Giving out my username and password to others is a violation of this AUP.

#### **Student Contracts**

A contract, signed by the student, shall be required prior to the school granting that student access to the network, internet and/or email. The signature of a parent or guardian is also required for students under the age of eighteen (18) and will indicate the degree of access granted to the student. This document shall be kept on file by the principal or District Technology Coordinator as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request. These signatures indicate understanding and agreement with the specified acceptable uses, rules of on-line behavior, access privileges and penalties for policy/procedural violations.

#### **Right to Privacy**

The Caverna Independent School District reserves the right to ask a Network Administrator to access any user folder and/or email account of any user at any time. Users are advised not to place confidential documents in their user folder and never to use email for confidential communication. Email is not private. All Internet sites visited will be logged and reviewed for suitability of internet use to assure

compliance with the AUP and with state law. Internet access has been granted for educational and research purposes only.

### **Disregard of Rules**

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

### **Responsibility for Damages**

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care. Students who deface a District website or otherwise make unauthorized changes to a website shall be subject to disciplinary action, up to and including suspension or expulsion, as appropriate.

### **Disciplinary Action**

Any user who violates the terms and conditions of this Acceptable Use Policy will experience immediate loss or degradation of services. Loss of privileges may continue for a period of up to one (1) calendar year, and/or other disciplinary actions may be enforced as per the discipline policy.

## **Telecommunication Devices**

### **Possession and Use**

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunications devices as defined by law, and other related electronic devices (e.g. cell phones, music players, Ipads, Ipods, tablets, laptops) , provided they observe the following conditions:

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

- ❖ These restrictions shall not be interpreted to prohibit material protected under the state or federal constitutions where such material does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.
2. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned off and operated only before and after the instructional day.
  3. When students violate prohibitions of this policy, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property and being reported to their parent/guardian. A violation also may result in a report being made to law enforcement. In addition, an administrator may confiscate the device, which shall be returned only to the student's parent/guardian.
  4. Students are responsible for keeping up with devices they bring to school. The district shall not be responsible for loss, theft, or destruction of devices brought onto school property.
  5. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.
  6. Students shall not utilize a telecommunication and other related electronic devices(e.g. cell phones, music players, Ipads, Ipods, tablets, laptops) in a manner that would violate the district's Acceptable Use policy or procedures or its Student Discipline Code.

### **Driver's License Revocation (No Pass/No Drive)**

Students who are sixteen (16) or seventeen (17) years old who become academically deficient or deficient in attendance shall be reported to the Transportation Cabinet for driver's license, permit or driving privilege revocation.

Academic and attendance deficiencies for student's age sixteen (16) or seventeen (17) enrolled in regular, alternative, part-time, and special education programs shall be defined as:

1. They shall be deemed academically deficient if they have not received passing grades in at least four (4) courses, or the equivalent of four (4) courses, taken in the preceding semester.
2. They shall be deemed deficient in attendance when they drop out of school or accumulate nine (9) unexcused absences in class/classes for the preceding semester. Suspensions shall be considered unexcused absences.

Students whose driving permits are revoked, but later meet the statutory standards for reinstatement, must then have their standing confirmed. School personnel shall make the required report to the appropriate agency.

*Related Policy: 09.4294*

### **Discipline Procedures and Processes**

The authority of the district in matters of student behavior is not limited to school buildings and grounds or to times when the pupil is on his/her way to or from school, but extends to any activity which is school-related or school-sponsored. All school sponsored student activities shall be under the direction of the Principal and faculty of the school, except that a non-faculty coach or non-faculty assistant may accompany student on athletic trips as provided in statute. The Principal may suspend a student's

eligibility to participate in extracurricular and co-curricular activities, pending investigation of any allegation that the student has violated either the district behavior standards or the school council's criteria for participation. Eligibility for a school sponsored activity not required for a course will be contingent on maintaining the academic grade requirement as established by the activity association to which the school belongs. While on suspension or expulsion, a student shall not be allowed to participate in any extra-curricular activity sponsored by the school. Student disciplinary measures should not be administered in a manner that is humiliating, degrading, or unduly severe or in a manner that would cause the pupil to lose status before his/her peer group.

Unless an administrator or the board acts under authority of KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a student based on juvenile court information received by the employee from any source.

### **Disciplinary Procedures**

The teacher has the responsibility to take reasonable action to stop behavior that interferes with the educational process, to preserve the rights of others, and to help students improve their self-discipline. The teacher is responsible for utilizing the accepted school site-based discipline plan. Corporal punishment is prohibited and loss of physical activity periods shall not be used as a disciplinary consequence. Serious offenses may require direct referral to the principal/designee. Use of physical restraint or seclusion by school personnel is subject to 704 KAR 7:160. Use of physical restraint by all school personnel is permitted when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. In such situations, staff who have not had core team training, may physically restrain students but shall summon core trained school personnel as soon as possible. Parents will be notified of the restraint or seclusion within 24 hours of the event. Nothing in this policy prohibits the exercise of law enforcement duties by sworn law enforcement officers.

If in-class\* discipline is not appropriate or does not succeed in correcting misbehavior or if the behavior requires further assistance, the student will be referred to a school administrator. When a student is referred, the steps of due process will be followed (see Due Process).

### **Parent/Guardian Conference**

When a student's misbehavior continues despite repeated efforts to correct it by school personnel, the administrator shall call a conference to meet with the student, the parent/guardian, and appropriate school staff. The administrator will schedule the conference in consultation with the parent/guardian. If telephone or personal contact with the parent/guardian has not occurred, written notice of the conference shall be sent. A mutually acceptable method of conferring should be agreed upon if a conference at school (or during school hours) is not possible for the parent/guardian.

If multiple violations occur at frequent intervals, a single conference to address these problems will be sufficient. If the parent/guardian is unable to attend or chooses not to attend the scheduled conference, then the conference will take place in the absence of the parent/guardian. When the conference proceeds in the absence of the parent/guardian, the administrator will report the conference results to him/her.

The purpose of the conference is to identify the source of the problem; to arrive at fair, effective solutions; and to improve student behavior. During the conference, the student will be afforded the

opportunity to describe the problem as he/she sees it and to suggest actions that would resolve the problem. The parent/guardian and staff will be afforded the same opportunity. The student's academic and disciplinary records will be available for review during the conference. All participants in the conference will observe strict courtesy. A summary of the results of the conference will be documented.

### **Right to Due Process**

Before being punished at the school level with suspension for violation of school policy, a pupil shall have the right of the following due process procedures.

1. The pupil shall be given oral or written notice of the charge(s) against him/her.
2. If the pupil denies the charge(s), he/she shall be given an explanation of the evidence against him/ her.
3. The pupil shall be given an opportunity to present his/her own version of the facts concerning the charge(s).

In cases involving clear and present danger to the safety of persons and property, a student may be suspended before an informal hearing is held. In these cases an informal hearing shall be held as soon as possible, not to exceed three (3) days.

*Related Policies: 09.43, 09.431, 09.434*

## **Disciplinary Consequences**

### **Students with Disabilities**

In cases which involve students with disabilities, the procedures mandated by federal and state law for students with disabilities shall be followed. (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled).

In cases involving sanctions other than suspension or expulsion, students with disabilities are generally subject to discipline as any other student unless the individualized program devised for the child provides otherwise. The development or modification of a behavioral intervention plan (BIP) should be considered by the 504 or Admission and Release Committee (ARC). In cases of serious disciplinary action involving students with disabilities, suspension and expulsion may be disciplinary options insofar as consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. section 1400,et seq. or Section 504 of the Rehabilitation Act of 1973, and corresponding state laws and regulations. See particularly KRS 158.150 and 20 U.S.C. section 1415. In addition, children identified with disabilities may be subject to placement in interim alternative educational settings in the case of disciplinary infractions involving weapons or drugs or having inflicted serious bodily injury upon another person while at school or school function insofar as consistent with the foregoing statutory provisions and corresponding regulations. *Related Policies: 09.43, 09.431, 09.435*

### **Behavior Contracts**

Behavior problems in school may result in placement of a student on a behavior contract, the length and substance of which will be determined by the principal or assistant principal. Behavior expectations required by the school and consequences for failing to meet those expectations will be specified in the behavior contract.

These consequences may include, but are not limited to, the following: extended detention, suspension from school, suspension from participating in, or attending, extra-curricular activities, or an alternative placement. School counseling may be required as a component of a behavior contract. The behavior contract should be signed by the student, the parent/guardian, and the principal/assistant principal.

### **Suspension and Expulsion**

The Kentucky State Law requires teachers and administrators to hold pupils to a strict account for their conduct during the entire school day. Section 161.180 of Kentucky Statutes reads as follows:

“Each teacher and administrator in the public schools shall in accordance with the rules, regulations and bylaws of the board of education, hold pupils to a strict account for their conduct on school premises, on the way to and from school, and on school-sponsored trips and activities”.

KRS 158.150 further states: “All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools; willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school. Assault or battery or abuse of school personnel; stealing or willfully or wantonly defacing, destroying, or damaging the personal property of school personnel on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school”.

### **Suspension**

In matters of discipline resulting in suspension, the student who has allegedly committed a violation of the Student Discipline Code is entitled to due process. An informal hearing is required and will be conducted by the principal/assistant principal before a student is suspended for 1 - 5 days. The superintendent may suspend a student for up to 10 days per incident. School must be in session for that day to count toward the suspended days. Suspension of primary school students shall be considered only in exceptional cases where there are safety issues for the child or others, as determined by the superintendent/ designee. In the case of a pending expulsion hearing, the superintendent/designee may suspend the student until that hearing is held. The superintendent, principals, and assistant principals are empowered to suspend students. Principals and assistant principals shall report any such action in writing to the superintendent/designee and to the parent or guardian. The report shall include the reason for suspension, the length of time of the suspension, and the conditions for reinstatement. If possible, the parent or guardian should be contacted immediately.

If the superintendent/designee or principal believes that immediate removal is necessary to protect persons, property, or to avoid disruption of the academic process, the student may be removed immediately. In such cases, due process shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension, otherwise, suspension shall be made according to the due process procedure.

A student placed on suspension is prohibited from entering the school grounds (except for a prearranged conference with an administrator), from attending any day or night school functions of the Caverna Schools, or from riding a school bus during the term of the suspension. Violations of the conditions of suspension shall cause further disciplinary action to be taken. At all stages of the suspension process, students shall be guaranteed informal due process rights as outlined in the Student Discipline Code.

## **Expulsion**

KRS 158.150 (2), concerns expulsion. That section reads: "Each local board of education shall adopt a policy requiring the expulsion from school for a period of not less than one (1) year for a student who is determined by the board to have brought a weapon to a school under its jurisdiction." The board shall also adopt a policy requiring disciplinary action, up to and including expulsion from school, for a student who is determined by the board to have possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction, or to have physically assaulted, battered or abused educational personnel or other students at a school or a school function under the board's jurisdiction.

The board may modify the expulsion requirement for students on a case-by-case basis. A board that has expelled a student from the student's regular school setting shall provide or assure that the educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student poses a threat to the safety of other students or school staff and cannot be placed into a state-funded agency program. Other intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of 'unlawful possession of a weapon on school property' stated in KRS 527.070".

Expulsion shall mean that the pupil is excluded from school from the date of the violation or for a specified period not to exceed one school year. In the case of a student bringing a weapon as described in KRS 158.150 (2) to school, expulsion means exclusion from school for a maximum of one calendar year, subject to reduction by the Board on a case by case basis. An exception may be made for students participating in an authorized curricular or extracurricular activity or team involving the use of firearms and to those persons listed in KRS 527.070.

When charges are made against a student and expulsion is recommended, the superintendent may conduct a preliminary conference with the student. At this conference, the pupil will be given the opportunity to admit or deny the alleged misconduct. Regardless of the response, the student is entitled to procedural due process hearing before the board. The full procedure shall include:

The superintendent shall notify the student and the parents/guardians, with a written statement setting forth charges which, if proven, would justify expulsion under the law. This statement shall be presented adequately in advance of the hearing to allow the student to prepare a reasonable defense and in any event not less than five school days. The parent shall respond to the notification within the same five school day limit.

Administrators have the primary responsibility and particularized knowledge to investigate the incident(s) and to determine the reliability of the witnesses and the evidence. In certain cases when it is necessary to protect the safety and anonymity of witnesses, the school administrators may present the findings by presenting a summary of the investigation conducted.

During the hearing, the student and the parents/guardians shall be afforded the opportunity to present to the Board, by oral or written testimony, a defense to the charges. This defense may include the introduction of a reasonable number of witnesses on the student's own behalf.

Should the student and the parent/guardian desire, they may be accompanied and represented by legal counsel. If this is desired, they must notify the Superintendent of this intention so that the Board attorney may also be present.

The student is entitled to an expeditious handling of their case, careful reflection by the board, and a prompt decision.

### **Expulsion Procedures**

The Board may expel any pupil from the regular school setting for misconduct as defined by law. Provision of educational services will be required unless the Board determines, on the record and supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed in a state-funded agency program.

Behavior that may be determined to pose a threat shall include, but not be limited to, the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drugs or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior that may endanger the safety of others.

The Superintendent shall present to the Board for its approval of providing educational services to expelled students.

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 special education and disciplinary records of IDEA eligible students shall be sent to the Board for review before the decision is made to expel.

The Board's decision shall be final.

In cases which involve students with disabilities, procedures mandated by federal and state law for students with disabilities shall be followed. (Students with disabilities who are eligible for services under federal law may be expelled for behavior unrelated to their disabilities, as long as legally required procedural safeguards are followed. Educational services must continue for IDEA eligible students who are expelled.)

Records transferred to another school must reflect the charges and final action of an expulsion hearing if the student was expelled for homicide, assault, or an offense in violation of state law or school regulations governing weapons, alcohol or drugs. Records of a student facing an expulsion hearing on charges described above shall not be transferred until the expulsion hearing process is completed.

### **Expelled/Convicted Students**

If a student has been adjudicated guilty of an offense specified in this subsection or has been expelled from school for an offense specified in this subsection, prior to a student's admission to any school, the parent, guardian, principal, or other person or agency responsible for a student shall provide to the school a sworn statement or affirmation indicating on a form provided by the Kentucky Board of Education that the student has been adjudicated guilty or expelled from school attendance at a public or private school in this state or another state.

## Transportation

### STUDENT CODE OF CONDUCT ON SCHOOL BUS

The privilege of students to ride a school bus is conditioned upon their good behavior and observance of the following rules and regulations. A student who violates any of these rules or regulations will be reported by the driver to the principal for necessary corrective action.

1. The driver is in charge of the students and will assign seats.
2. Be on time. Be visible at your bus stop. Never stand in the road while waiting for the bus.
3. Students shall ride their assigned bus only. For an emergency that necessitates riding a different bus, you must bring a note from the parent or guardian to receive a bus pass from the school office.
4. Always cross in front of the bus and at a safe distance in front of the bus. Cross only on driver's signal.
5. Do not run toward or run across the street in front of a school bus while it is in motion.
6. Students shall board the bus and immediately take a seat, and remain seated at all times while the bus is in motion.
7. The following activities are prohibited at all times:
  - a. Improper behavior (insolence, vulgarity, foul language, fighting, pushing or similar offenses)
  - b. Smoking on the bus
  - c. Eating or drinking on the bus
  - d. Possessing knives or sharp objects
  - e. Throwing articles in or from the bus
  - f. Tampering with controls of the bus
  - g. Placing articles at the door by the driver
  - h. Obstructing the aisle in any manner
  - i. Occupying more space in a seat than required
  - j. Littering the bus
  - k. Opening or closing windows without permission
8. Students are expected to do the following at all times:
  - a. Stay seated (back to back of seat, bottom to bottom of seat)
  - b. Face forward
  - c. Show respect to others
  - d. Keep the noise level down
  - e. Keep hands, feet and objects to themselves
  - f. Keep hands off windows

#### Consequences:

1. Major offenses will result in an automatic suspension from the bus for a minimum of one week for first offense. Second offense will result in a longer suspension. Third offense will result in loss of riding privilege for the year.
  - a. Fighting
  - b. Threatening behavior
  - c. Throwing items out of bus
  - d. Smoking
  - e. Vandalism (\*restitution must be made to the school before privileges are restored)

2. Other offenses that cause the driver to be distracted will have the following consequences:
  - a. First Offense - Assigned seat and parent conference
  - b. Second Offense – Suspended from bus for one week
  - c. Third Offense – Suspended from bus for two weeks
  - d. Fourth Offense – Suspended from bus for one month
  - e. Fifth Offense – Loss of bus riding privilege for the year.

### **Additional Transportation Information**

A signed note from the parent/guardian is necessary for a student to obtain a bus pass from the principal/designee of the student's school to get off the bus at a stop other than his/her designated stop. A note from each student's parents is necessary when one student goes home with another. A student riding a bus with a pass, who is disciplined for an infraction, may have their bus riding privileges suspended and may not be allowed to continue riding the bus for which the pass was written.

If a student is suspended from one school bus, he is suspended from all other buses as well. A school bus suspension is not an excused absence from school. Students will be expected to be at school each day of their bus suspension.

No glass containers (not including thermos bottles), helium balloons, or live animals will be transported on the bus.

The principal shall enforce Student Discipline Code and/or Site Base Council policy in addition to the Bus Rider Policy and Rules when a student commits an offense. If a criminal offense occurs, all school employees shall immediately cause an oral or written report to be made to the local police, sheriff, state police and principal of the school attended by the victim.

All Caverna School buses are equipped with video cameras. Videotapes contain audio. Tapes or recordings may be used to document events and responsibility for actions that occur on the buses. Evacuation drills will be conducted four (4) times each year. Two (2) evacuations shall be conducted each semester with the first being conducted within the first full week following the beginning of the semester. The drills consist of an orderly use of the available exits on the bus, and are designed to familiarize students with the proper safety procedures to be followed in case of an emergency.

Students are permitted to leave the bus only at their designated bus stop. Any request to leave the bus at another stop must have a bus pass signed by the school principal. Students who live on the opposite side of the road from the bus stop should, when exiting from the bus, go to a point approximately ten (10) feet ahead of the bus and wait until the driver signals to cross the road. Students should never cross at the rear of a stopped school bus. In the event of an accident, the bus driver is not allowed to release students from the scene. The student will be transported, by the school district, to his/her bus stop upon release from police or other authorities.

### **Violations of Acceptable Behavior (Definitions)**

Violations of acceptable behavior at school, on buses, at bus stops, on the way to and from school, and at school-sponsored activities are defined below. Behavior occurring off school grounds, at locations not listed above, that threatens the safety and well-being of students or staff and directly affects the school's ability to ensure a safe learning environment for all students is also a violation.

1. **Abuse of Teacher (Law Violation)** – Speech or conduct toward a teacher or administrator (when they are functioning in their capacity of an employee) that will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school. (KRS 161.190)
2. **Academic Dishonesty** - A student acting deceptively or dishonestly; including a student copying another’s work and using it as his/her own (plagiarism); tampering with official school records.
3. **Acceptable Use Policy Violation** – See Acceptable Use Policy.
4. **Arson (Law Violation)** – Starting or attempting to start a fire on school property.
5. **Assault (School Personnel and Students) (Law Violation)** - Physical contact of one person or a group of persons on another with the intent to injure. Physical sexual abuse of any kind is also considered assault.
6. **Attendance-Failure to sign in and out of school** – Leaving school or school function without appropriately informing school personnel.
7. **Attendance -Skipping Class** – Failure to attend any scheduled class or assigned school activity without valid excuse.
8. **Attendance -Skipping School** - Failure to attend school on regularly scheduled day without permission from parent or school.
9. **Attendance -Tardiness, Unexcused** - Tardiness to school or any class without a valid excuse. (Refer to individual school policy on tardiness).
10. **Attendance - Truancy** - Absence or tardiness from school for three (3) or more days, without valid excuse. Any child who has been reported as truant two (2) or more times is a habitual truant. (See District Policy).
11. **Attendance-Unauthorized Departure from Campus** - Leaving school campus at which they are enrolled without the principal’s permission. Students who are in areas without permission or off limits.
12. **Aggressive Behavior Towards Any School Employee/Student** – Physical contact or the threat of physical contact toward an employee/student of the school.
13. **Bomb Threat** – Making a threat that a bomb, or explosive device has been placed or is about to explode in a school or on school property.
14. **Bullying/Cyber Bullying/Hazing/Stalking** – See Bullying section of Student Discipline Code.
15. **Burglary** – Unlawfully entering a building or area of school property with the intent to commit a crime.
16. **Bus Rules Violation** - Any behavior that may create a safety problem on a bus or violate the Student Discipline Code.
17. **Dangerous Instruments, Possession of** - Dangerous instruments include any instrument, article, or substance, including parts of the human body, readily capable of causing death or serious physical injury. Dangerous instruments shall include pocket knives, bb guns, and hunting knives of all types.
18. **Defiance of Authority** - Willful refusal by a student to follow directives of authorized school personnel (including failure to identify oneself when requested) or to accept in-school disciplinary measures. Being impolite and arguing with those in authority.
19. **Disorderly Conduct (Law Violation)** - Violent or threatening behavior, noise or behavior that creates interference to the learning environment by an act that serves no legitimate purpose.
20. **Display of Affection, Inappropriate** – Acts such as kissing and caressing will not be allowed on school property, buses, commercial carriers or during school events.
21. **Disruptive Behavior** - Disruptions that impede the delivery of instruction, the transporting of students or alter the flow of school or district related business. Disruptions may be defined by written referrals from teachers or staff to the principal.

22. **Dress Code Violation** – Failure to follow school defined dress code requirements. Each Principal and SBDM Council at each school shall develop specific guidelines for student dress.
23. **Drug Paraphernalia, Possession or Use of (Law Violation)** – Being in the possession of articles that are meant to be used for, intended to be used for or be construed to be used for drugs, alcohol or other intoxicating substances.
24. **Drugs, alcohol, narcotics, counterfeit controlled substances or look-alike items, Distribution of (Law Violation)** – The sale or distribution of drugs, alcohol or other intoxicating substances.
25. **Drugs, alcohol, narcotics, counterfeit controlled substances or look-alike substances or other intoxicating substances, Possession/Use/Under the influence of (Law Violation)** - A student exhibiting noticeable behaviors, physical appearance, or odors consistent with the use of alcohol, drugs, or other intoxicating substances. *Use of medications prescribed or ordered by a physician or dentist (Policy 09.2241) shall not be considered a violation of this policy.*
26. **Extortion (Law Violation)** - Attempting to or obtaining property from an unwilling person by intimidation or physical force.
27. **False Fire Alarm (Law Violation)** – Falsely alerting the fire department or school to a non-existent fire.
28. **Fighting** – Physical struggle, contact, or quarrel where no participant is identified as a victim.
29. **Forgery (Law Violation)** - Falsifying documents or signatures.
30. **Gambling** - Any game of chance for the express purpose of exchanging money or property.
31. **Gang Activity, Promoting** - displaying signs, signals or gestures indicative of affiliation or advertisement of an organized gang, group or organization which advocates disruption or violence or has a history of group violence or disruption.
32. **Harassment Communications/Menacing (Law Violation)** - See Bullying section of Student Discipline Code.
33. **Loitering** - Being on school grounds or in the school without authority or permission of school personnel. This would include students on shortened programs or students remaining after school activities have ended.
34. **Non-Compliance with Classroom Rules** - Failure to complete assignments, including state-mandated assessment tests, and to follow other school or classroom regulations.
35. **Other** – Student actions that do not fit in any other area of the Student Discipline Code but do violate state or federal law.
36. **Pornographic/Obscene Material** – Possessing or accessing any material, whether written, printed or electronic, depicting nudity or depicts/describes sexual conduct and, when taken as a whole, lacks serious literary, artistic or other value.
37. **Profanity or Vulgarity** - The use of words or gestures generally considered socially unacceptable.
38. **Safety Violation** – An act of abuse or action which might injure or cause injury to oneself or others.
39. **Sexual Harassment** – See the harassment/discrimination section of the Student Discipline Code.
40. **Sexual Misconduct** - Inappropriate conduct defined by accepted social and legal standards.
41. **Telecommunications Devices, Unauthorized Use of** - A student using or activating (turning on) a telecommunication device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.
42. **Terroristic Threatening (Law Violation)** - A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally: (a) With respect to a school function, threatens to commit any act likely to result in death or serious physical injury to any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school sanctioned activity, if the threat is related to

their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons or at a school does not need to identify a specific person or persons or school in order for a violation of this section to occur;

43. **Theft, Stealing or Possession of Stolen Property** - Taking or possessing property belonging to the school or another person.

44. **Threat or Intimidation** - The act of threatening force or violence, scaring, or insulting another person.

45. **Tobacco Products, Alternative Nicotine Product or Vapor Product (e.g. e-cigarettes), Possession/Use of** - The possession or use of any tobacco products (**Alternative Nicotine Product or Vapor Product**) by students.

46. **Vandalism** - Destruction or defacing of public or personal property, including computer hardware or software.

47. **Verbal Altercation** - Students who engage in comments which are disruptive toward others.

48. **Violating Security Procedures** - Compromising district and/or school security procedures or putting others at risk. This may include but is not limited to trespassing, failure to follow lock down or other safety drill procedures, opening of exterior doors other than single monitored entrance, tampering with security cameras, telephone and/or fire alarm system, remaining on school grounds after posted hours without prior permission from school officials, and intentionally reporting false tips to administrators, teachers, or other sources.

49. **Violation of Suspension Regulations** - Suspended students may not be on school property, property under the supervision of school personnel, buses, or attend school activities without permission of school administrators. Students violating suspension conditions are subject to prosecution for criminal trespass. In addition, further administrative action may be taken under 18 of this Section, "Defiance of Authority." (See KRS 508.060)

50. **Wanton Endangerment (Law Violation)** - Engaging in conduct that creates a substantial danger of injury to another person.

51. **Weapon (other than firearms), Possession of (Law Violation)** Possession of any weapon/instrument or look-alike toy that may be capable of producing physical injury other than those described in "Possession of a Deadly Weapon" section.

52. **Weapon (Deadly), Possession of (Law Violation)** – The possession of any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged; any knife, billy club, nightstick, or club; blackjack or slapjack; nunchaku karate sticks; shuriken or death star; or artificial knuckles made from metal, plastic, or other similar hard material.

### **Behavior & Consequence Chart for Discipline**

Students at different ages and grade levels are expected to assume varying degrees of responsibility for their actions; therefore, different disciplinary measures may be used to reflect different levels of maturity and self-discipline. The following chart indicates specific consequences for each offense and the consequences that will occur if there are repeated violations. The principal/designee reserves the right to alter the application of the penalties included in this Student Discipline Code if, in his/her opinion, the behavior is resulting from unusual or extenuating circumstances. Levels of consequences

may be determined by grade level or age of student as expectations for primary, elementary, middle and high school students may differ.

Disciplinary measures may increase in severity and may be administered progressively by moving from left to right on the chart. However, if the principal deems necessary, he or she may impose a more severe action.

Repeated and unmodified behavior violations may result in any disciplinary action listed on the Behavior/ Consequence Chart for Violations up to and including expulsion.

<h1 style="text-align: center;">Elementary School Behavior and Range of Corrective Strategies</h1>	Parent/Guardian Communication And/ or Conferences	In-School Corrective Measures (In-School Detention, After-School Detention, Time-out)	Short-term Suspension (1-5 days)	District Suspension (6-10 days)	Expulsion Procedures Initiated
Unexcused tardiness to class/Nonattendance to class					
Deliberate disruption					
Failure to follow rules or directives/Academic dishonesty					
Leaving school grounds without permission					
Dress code violation					
Forgery/Counterfeiting					
Profanity/Vulgarity					
Gambling					
Telecommunication Devices, Unauthorized use of					
Use/Possession of tobacco products/Paraphernalia					
Inappropriate sexual behavior (includes possession of pornography, Consensual Sexual contact, and all sexual offenses except assault/abuse)					
Theft/Vandalism					
Robbery					
Fighting/Striking student					
Fighting/Striking faculty, staff, or other officials					
Intimidation/Harassment/Interference with staff or student/Bullying/ Harassing Communications/Cyberbullying					
Drug/Alcohol possession/Under the influence					
Drug/Alcohol distribution					
Assault/Sexual abuse/Sexual assault/Criminal abuse					
Arson					
Weapons (Look-alike, toy, non-deadly)					
Weapons/Dangerous instruments					
Bomb threats/False fire alarms/False police reports/Terroristic threatening/Fireworks/Explosives					
All other criminal offenses: kidnapping, extortion, etc (law)					

- ❖ Please note the chart that lists violations and the consequences for each. We believe that students of different ages and grade levels need different consequences for their behavior. Disciplinary measures are generally progressive, but with serious offenses, the school staff may initiate a different disciplinary action. School staff will use reasonable discretion in the use of the code as it is applied to the specific facts of each case. They will follow the code in a fair and equitable manner.

<h2 style="text-align: center;">Middle and High School Behavior and Range of Corrective Strategies</h2>	Parent/Guardian Communication And/ or Conferences	In-School Corrective Measures (In-School Detention, After-School Detention, Time-out)	Short-term Suspension (1-5 days)	District Suspension (6-10 days)	Alternative School (4-weeks or more)	Expulsion Procedures Initiated
Unexcused tardiness to class/Nonattendance to class						
Deliberate disruption						
Failure to follow rules or directives/Academic dishonesty						
Leaving school grounds without permission						
Dress code violation						
Forgery/Counterfeiting						
Profanity/Vulgarity						
Gambling						
Telecommunication Devices, Unauthorized use of						
Use/Possession of tobacco products/Paraphernalia						
Inappropriate sexual behavior (includes possession of pornography, Consensual Sexual contact, and all sexual offenses except assault/abuse)						
Theft/Vandalism						
Robbery						
Fighting/Striking student						
Fighting/Striking faculty, staff, or other officials						
Intimidation/Harassment/Interference with staff or student/Bullying/ Harassing Communications/Cyberbullying						
Drug/Alcohol possession/Under the influence						
Drug/Alcohol distribution						
Assault/Sexual abuse/Sexual assault/Criminal abuse						
Arson						
Weapons (Look-alike, toy, non-deadly)						
Weapons/Dangerous instruments						
Bomb threats/False fire alarms/False police reports/Terroristic threatening/Fireworks/Explosives						
All other criminal offenses: kidnapping, extortion, etc (law)						

- ❖ Please note the chart that lists violations and the consequences for each. We believe that students of different ages and grade levels need different consequences for their behavior. Disciplinary measures are generally progressive, but with serious offenses, the school staff may initiate a different disciplinary action. School staff will use reasonable discretion in the use of the code as it is applied to the specific facts of each case. They will follow the code in a fair and equitable manner.

## **Grievance Procedure**

The Caverna Board of Education has adopted policies that provide students with the opportunity to appeal issues regarding equal educational opportunities and educational concerns or practices. When a student or parent has an educational concern, a complaint must be filed using the following procedure:

### **General**

It is the desire of the district that concerns be addressed in a collaborative manner before the grievance process is initiated. Any student who wishes to express an educational concern or grievance shall observe the following order of appeal;

1. Teacher;
2. Principal;
3. Superintendent Designee;
4. Superintendent.

### **Grievance Procedures**

Grievance procedures shall address, but not be limited to, the conditions for filing a grievance, time limitations for the filing and the appeal of grievance, and a process for the orderly review and appeal of each individual grievance. *(See Board Procedure 09.4281 AP.1)*

### **Exceptions**

Harassment/Discrimination allegations shall be governed by Policy 09.42811. Federal law requires the District to implement separate and specific processes for responding to complaints/grievances about Title I programs and to those alleging discrimination in the delivery of benefits or services in the District's school nutrition program. *Related Policies: 07.1, 08.13451, 09.42811*

## **Family Education Rights and Privacy Act Notification (FERPA) and Kentucky Family Education Rights and Privacy Act**

The Family Education 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. They 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 signed written request (not an email) 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 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 violation of privacy or other rights. They should write the school principal, clearly

identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights.

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

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A "school official" is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/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. Upon request, the district shall disclose education records without consent to officials of another school district in which a student seeks or intends to enroll or to other entities authorized by law.

4. The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U.S. Armed Forces and the service academies, the Kentucky Air National Guard, and the Kentucky Army National Guard.

Unless the parent or eligible student 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 upon their request.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is: Family Policy Compliance Office  
U.S. Department of Education, 400 Maryland Ave., SW Washington, D.C. 20202-4605

"Directory Information" is information contained in an educational record which would not generally be considered harmful or an invasion of privacy if disclosed. This information may be released to news media, athletic organizations, scholarship or college entrance committees, or official organizations whose need for data is connected with student help activities. "Directory Information" shall be the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. The parent, guardian, or eligible student currently enrolled, may request all or part of the directory information be withheld. The request must be in writing to the principal of the child's

school within 30 calendar days after notification has been distributed. The written request must specifically state what information may not be classified as directory information. Each parent and eligible student may obtain a copy of School Board Policy 09.14 concerning student records. School board policies and procedures may be examined in the principal's office of each school.