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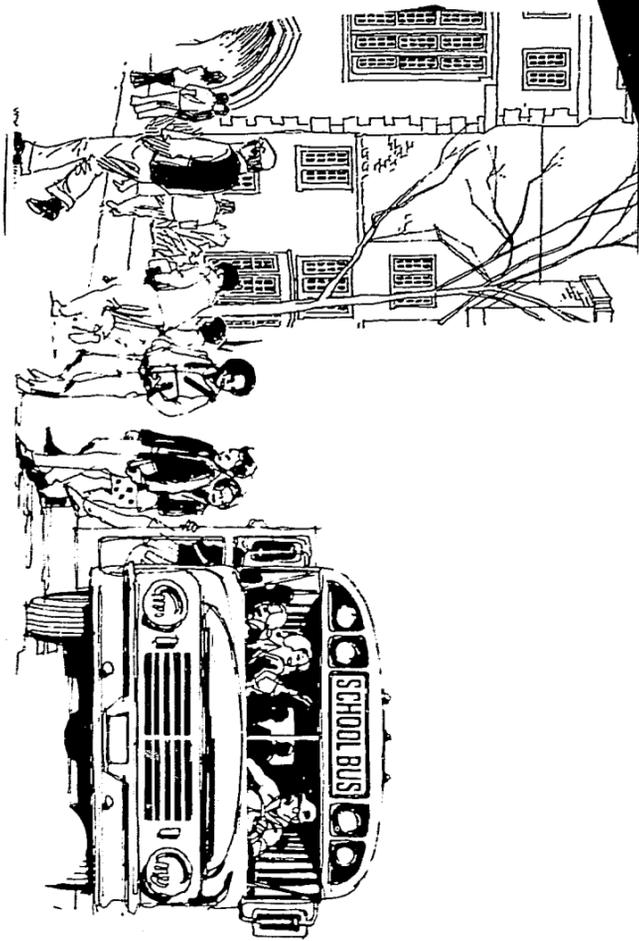
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**Handalism & Theft**  
IN KENTUCKY SCHOOLS



Vol. I SCHOOL/COMMUNITY PROGRAMS

A PREVENTIVE APPROACH TO:

This booklet was printed with state funds. Additional copies are available free of charge from the Kentucky Department of Justice, Office of Crime Prevention, State Office Building Annex, Frankfort, KY 40601



#### FOREWORD

Vandalism and theft are serious problems in many schools throughout Kentucky.

We cannot continue to absorb staggering losses from these crimes as "just another item in the school district's budget." These funds are too precious to be diverted from the quality education we are all striving to provide.

The Office of Crime Prevention, within the Kentucky Department of Justice, in cooperation with the Kentucky Department of Education and a Task Force comprised of local school and police officials, prepared these two booklets for the guidance of school administrators in developing prevention strategies to reduce vandalism and theft.

The task of implementing effective strategies to reduce school vandalism and theft, however, rests on the shoulders of local school officials, police, teachers, parents - and those who suffer the most when vandals or thieves strike against the school - school children themselves.

A handwritten signature in black ink, which appears to read "Julian M. Carroll". The signature is fluid and cursive.

Julian M. Carroll  
Governor of Kentucky

## ACKNOWLEDGEMENTS

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The "Code of Conduct" which appears in the back of this booklet, was furnished by Paducah Public Schools.

Donald Dentinger, Project Director  
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## INTRODUCTION

Vandalism and theft are best described as "crimes of opportunity." There is no magic formula that will totally eradicate these crimes. However, they can be controlled and kept to a minimum by applying preventive strategies.

The preventive approach is initiated "before the crime" and includes both improved physical security and student/community activities.

The physical security approach requires that we make our school buildings less "vulnerable" to the vandal and thief. It is called "target hardening" and includes locking devices, lighting, and strict control over public access.

Student/community activities include a wide spectrum of programs which can be initiated to motivate students and the public to respect school property as "their own," or to recognize the staggering costs resulting from vandalism and theft.

This booklet was prepared to assist school administrators in selecting appropriate student/community programs. It is intended only as a guide from which ideas can be garnered, then tailored to meet local style and need.

A companion booklet, entitled, "School Security and Control" has also been prepared to assist police and school officials to identify basic security weakness and cost-effective ways to improve the physical security of our schools.

One can no longer assume that schools located in urban centers suffer extensive losses from vandalism and theft, whereas schools in rural locations suffer only minimal losses. **The statewide spectrum of school vandalism and theft includes urban and rural area schools throughout Kentucky.**

Using the profile of the typical vandal as a basis, we can assume that middle-grade schools are the most vulnerable to vandalism. The U.S. Justice Department's Uniform Crime Report tells us that most juveniles arrested for vandalism are in the age group 13 to 15. While eleven and twelve year-olds rank second, comparatively few sixteen and seventeen year-olds are arrested for acts of vandalism.

This does not mean that elementary and high schools are immune to vandals and thieves. Kentucky statistics tell us that **public and private schools at all levels are victimized.** Environmental factors such as the income level of the school neighborhood seem to be of little significance in determining the degree of school vandalism and theft.



## II. PREVENTIVE STRATEGIES

### What are vandalism and theft

There is no offense known to the law as "vandalism". The term is widely used, however, to describe what the law defines as "destruction of property". Kentucky statutes include willful marking upon, defacing, damaging or destroying property.

Vandalism is often referred to as a "senseless crime" or an "expensive" joke or prank. From the victim's viewpoint acts of vandalism are, in fact, senseless.

This does not mean that the vandal destroys without a purpose. The motive behind acts of destruction can vary. The boy who breaks a window with his air gun may have done it for revenge, or simply to have a practice target. One useful classification of vandalism distinguishes between 'tactical vandalism,' 'vindictive vandalism,' and 'wanton vandalism.'

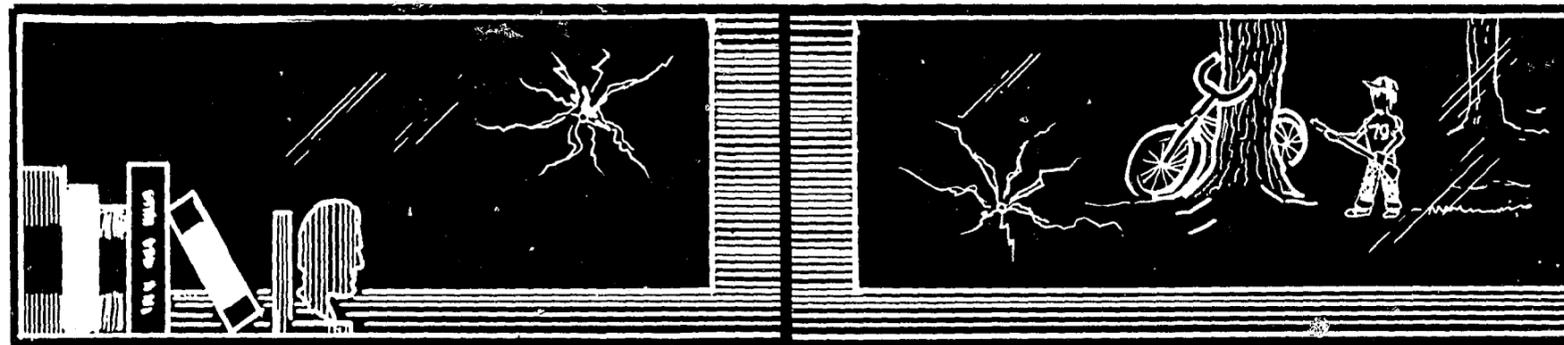
In 'tactical vandalism' the damage is not an end in itself but merely a way to achieve a further, non-destructive goal. For example, someone may destroy a pay phone or vending machine to steal the money they contain. A worker may sabotage equipment in order to gain relief from a monotonous job.

Others use vandalism to express discontent - to avenge real or imagined affront, or to vent frustration or resentment. In 'vindictive vandalism' the vandal is very interested in destruction itself.

'Wanton vandalism' includes the popular image of vandalism as one of irrational, gratuitous, or 'wanton' destruction. It is the type of vandalism most frequently committed by groups of youngsters (or adults).

Kids "hang around" and, for lack of something constructive to do, turn to acts of destruction with little consideration as to what they are actually destroying or who the victim might be. While the motives are not always obvious, it can happen as a result of a dare, fear of peer pressure, excitement that comes from a circular chain reaction, or the game of "one upmanship" which young people like to play.

Theft is the "unlawful taking of another's property". Sometimes theft and vandalism are combined, as in many instances of vindictive vandalism, and always when an act of burglary (breaking-and-entering) occurs. Sometimes equipment or food will be stolen for the purpose of taking it out and destroying it. In other instances the sole purpose of theft is for profit or personal gain.



What can be done about it?

**General measures against vandalism and theft**

Perhaps our inability to defend our property against vandalism and theft has something to do with the way we define the problem. Many behavioral scientists suggest that defining vandalism as a senseless and motiveless crime contributes to our frustration in coping with it. Vandalism and theft become effects without a cause. This causes us to avoid setting up our defenses simply because we cannot comprehend it. We write the crimes off as jokes, pranks, or "sickness" that exists within a certain age-group in society. The costly effects of vandalism and theft precludes our sweeping it under the rug with a shrug and a "boys will be boys" attitude.

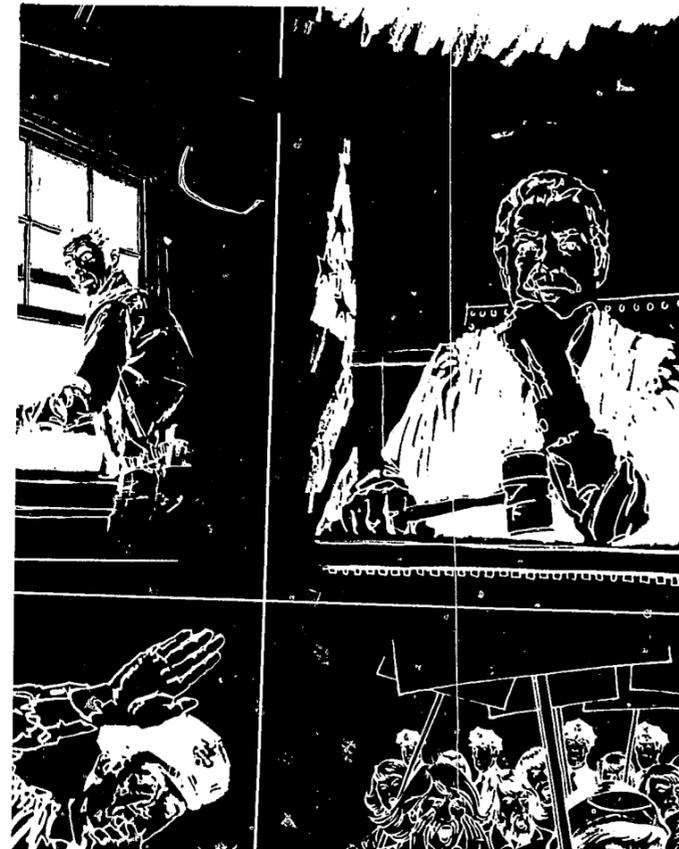
Regardless of the motive (or lack of motive), vandalism and theft are aggressive acts prohibited by law, and as such, are criminal acts.

The first step is a posture which does **not tolerate** these crimes. The school and community can demonstrate this by improving physical security and programs which let vandals and thieves know that their actions will not be tolerated. **While schools are not the only targets for these crimes, there are two reasons why the school is the most logical place to begin an aggressive program against vandalism and theft.**

First, schools have much to lose and cannot really afford the cost. Second and equally important is the inherent goal of schools to instill self-respect as the foundation for learning. Vandalism and theft of school property are "self-destructive" and therefore counterproductive to this goal.

**TOLERANCE OF VANDALISM AND THEFT GO HAND-IN-HAND WITH HIGHER AND HIGHER INSURANCE PREMIUMS.**

**THEFT AND VANDALISM CAN BE REDUCED THROUGH AN AGGRESSIVE PROGRAM OF OPPORTUNITY REDUCTION AND POSITIVE MOTIVATION.**



### III. PROGRAM DESCRIPTIONS

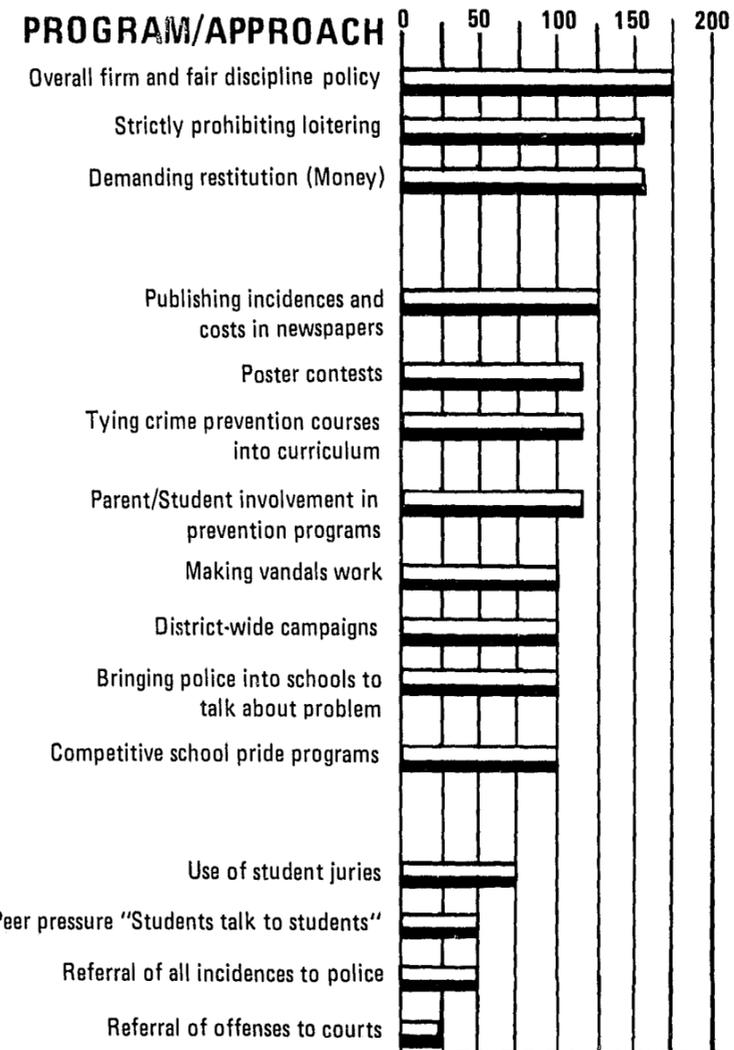
#### Introduction:

The following program descriptions include basic school policies (such as discipline and restrictions on loitering) as well as programs specifically directed toward involvement of the school and the community.

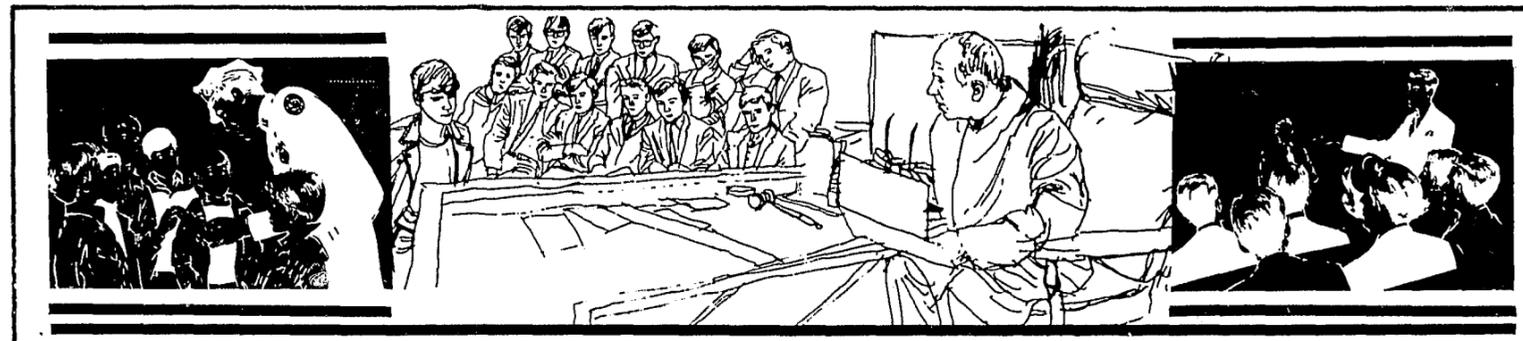
All programs described are intended to be "stepping stones" toward a local plan of action. We have attempted to "rate" programs into three categories: highly effective; moderately effective; and doubtfully effective.\* However, it must be clearly stated that these ratings (provided by fifty-six school and law enforcement officials in Kentucky) are based solely on opinions. Further, it must be stressed that none of the individual approaches listed should be construed as "the" answer to vandalism or theft. The grocery list of programs is not intended to be all-inclusive, but to include most approaches described in current literature, as well as approaches which some Kentucky schools have tried with apparent success.

No single program will work. Combinations of approaches, tailored to local problems and needs, should be considered, particularly when vandalism and/or theft are recurring problems.

\*See PROGRAM APPROACH chart, this page.



RATINGS PROVIDED BY THE KENTUCKY TASK FORCE ON SCHOOL VANDALISM AND THEFT, 1978



#### Planning a Prevention Program

The major considerations to be met when planning a prevention program against school vandalism and theft are premised on two important factors: 1) The school is an integral part of the community; 2) Caution should be exercised in assuring that the problem of vandalism is not emphasized beyond the degree that it exists. An aggressive campaign against vandalism in a school which does not really have a problem could possibly precipitate incidences of vandalism.

The steps that should be followed in planning programs are:

1. **An honest assessment of the scope and nature of the problem.** How serious is the problem? How many school dollars are wasted? Is it a recurring problem? Sporadic? How many times a week, month, year? When and where does it happen? During school hours? Nights? Weekends? Holidays? During vacation? What type of destruction occurs? What is stolen? Are they vindictive (revenge)? Tactical (something to be gained)? Wanton (carelessness)? Who commits the offenses? Students? Outsiders? Employees?
2. **Involve students, teachers, parents, community leaders, the police, media, and school administrators in program planning.**

Everyone who loses because of vandalism and theft stands to gain from a counter-offensive against these crimes. Every element within the school and its community should be involved in making plans to reduce losses.

3. **Any plan of action should be devised with strong emphasis on "self-respect", together with community ownership and pride.** Self-respect is the foundation of respect for others and their property. School property belongs to students, their parents, and the community.

4. **Programs should be designed to include the educational process itself, rather than be "isolated" from it.** A one-shot campaign initiated with the PTA, at General Assembly, or with the student council will not produce lasting results. Programs must be tied into the learning process. English, math, science, social studies, civics, art, etc., are excellent avenues for learning and motivation to prevent vandalism and theft.

5. **Uniformity of message is important because any lack of uniformity will be counterproductive.** Efforts to combat vandalism and theft should be characterized by simple, direct, and uniform messages concerning cost, as well as methods and motivation to reduce these crimes.

## GENERAL MEASURES AGAINST VANDALISM AND THEFT

### 1. Firm and fair discipline in the school

A firm code of conduct, fairly enforced, is important to the delivery of educational services within a school. It is also perceived to have a direct bearing on whether crimes like vandalism, theft, assault, or drug abuse are common within the school.

National studies on school vandalism and violence in recent years consistently point to lax and/or unfair discipline problems as "fellow travelers" of school vandalism and violence. Schools lax in the area of discipline have the most serious vandalism problems. Schools which do not administer their discipline code fairly appear to suffer the most from vandalism.

In Kentucky school districts which recently put together comprehensive codes of conduct, then publicized and strictly enforced the codes, a noticeable decrease in vandalism was reported.\*

A sample "Code of Conduct" appears in the appendix, courtesy of the Paducah School District, which attributes reductions in school vandalism to a strict enforcement of its code. Most school districts develop comprehensive codes and distribute them to students and parents alike. Like the Paducah Code, codes should include clear definitions of each regulation, together with the specific penalty for each infraction.

After publishing a satisfactory code, the next step is to enforce it strictly and with fairness.

\*A sample "Code of Conduct" appears in the appendix.



## 2. Loitering

The complexities of class scheduling, the movement of students from classroom to classroom, and the necessity for some "breathing time" during a school day all contribute to the problem of loitering.

However, most loitering problems associated with acts of vandalism or theft are associated with being on school grounds or in school buildings without authority or permission of school personnel. This would include hours when school is in session and also after school has closed. It would also include a student (or students) being in the wrong place at the wrong time.

Vandalism is usually not a solitary action in the sense that a vandal "performs" within a small group or as a small group itself. Theft, however, can be a solitary action, or be committed as a group.

Therefore, restrictions on loitering should be applied to individuals as well as groups.

The use of passes can be a headache for school administrators, particularly in a large school. If administered consistently, however, this practice can reduce the number of loiterers in the school or its surroundings. Truants should never be allowed on school grounds while they are considered "truant". A child who has been expelled or suspended should never be allowed on school property without direct supervision until he has been reinstated. Students who consistently cut classes should not be permitted to hang around the school.

Another means of reducing loitering is by posting signs in parts of the school building or places adjacent to the building or grounds where loitering is a particular problem. If students are not permitted to be on school property at specified times in the evening, weekends or holidays, signs to this effect should be placed at the entrances of the school.



### 3. Direct Restitution

Kentucky's Penal Code makes parents or guardians financially liable for willful damage to property caused by a minor.

Parent or guardian liable for willful damage to property caused by minor:

*(1) The parent or guardian of any unemancipated minor, in their care and custody, against whom judgement has been rendered for the willful marking upon, defacing or damaging any property, shall be liable for the payment of that judgement up to an amount not to exceed five hundred dollars, if the parent or guardian has been joined as a party defendant in the original action. The judgement provided herein to be paid to the owner of the property damaged but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor committing such damage for the balance of the judgement not paid by the parent or guardian.*

*(2) Nothing in this section is intended to or shall limit to five hundred dollars the liability of a person to whom the negligence of a minor is imputed by KRS 186.590, nor shall this section limit the liability set forth in other statute to the contrary. KRS 405.025*

The judgement amount of this statute is limited to \$2,500.

Strict application of this statute can have a positive effect on protecting school property against vandalism.

It should be noted that guilt is normally determined in a court of law, and only after evidence is substantiated by police in-

vestigation. School officials should take care that required procedures can follow. Administrators should refer to the Appendix: "Interviewing the student or employee suspected of vandalism or theft" for guidance.





#### 4. Letting the Public Know

Schools are community property supported by taxpayers. For this reason, when the school is a victim of crime, the community is also the victim; and therefore has a basic "right" to know that its property has been violated, and to what extent.

School officials, however, recognize that the community is often apathetic about the school and, in fact, pay little attention to the responsibility to support the school in any way other than taxes.

Publishing incidences of vandalism and theft can have the effect of "waking up" an apathetic community. If people know the extent of school damage and theft, they might be incensed sufficiently to assist in doing something about it.

Further, parents may, or may not, know that their own children are often the perpetrators of these crimes. They can only guess (and exercise cautious responsibility) that their own children could be involved if they are made aware of the fact that these incidences do occur frequently.

Schools and the press must exercise caution, however, in the manner in which incidences are reported. On many occasions, an incident of vandalism is very "bizarre." Banner headlines which concentrate on the unique or clever ways that vandals can sometimes inflict damage should naturally be avoided. **The point of emphasis should always be the costly effect of the crime.**

The P.T.A., Newsletters, or periodic reports which the Superintendent or Principal sends out to parents can also be effective channels to let the public know about vandalism and theft in the school.

## STUDENT/COMMUNITY INVOLVEMENT PROGRAMS

### Poster Contests (Essay or Photo)

A poster contest on vandalism is one way in which students, teachers and the community can become involved in an awareness campaign against vandalism.

First, students and parents can be asked to set the "theme" for the contest, together with the "rules". Businesses which are frequent victims of vandalism can be solicited to put up prizes. Members of the community, including the media, can become involved by serving as "judges" for the contest.

While a poster contest is ideal for elementary grades, the same is not necessarily true in middle and high schools. In lieu of a poster contest, essay or photo contests can be used effectively towards the same end.

### Crime Prevention Curriculum

Crime prevention is not a difficult subject. It simply involves common sense and a sense of responsibility for the protection of yourself, your property, and respect for the property of others.

The concept of crime prevention must be introduced at the earliest years if we are to make its practice "habitual" in later years.

Further, the reduction of criminal opportunity (as a key responsibility of citizens) is very adaptable to learning objectives of social studies, civics, and other areas of the school curriculum designed to increase awareness to social problems and teach self-respect, law, order, and social responsibility.

Teachers' Guides on Crime Prevention are available free-of-charge from the Kentucky Office of Crime Prevention. These simple programs include lessons on vandalism, theft, and other school crimes.

Schools interested in tying crime prevention into the educational process at the classroom level may request these materials by contacting:

Kentucky Department of Justice  
Office of Crime Prevention  
State Office Building Annex  
Frankfort, KY 40601  
Tel: (Toll free) (800) 372-2994





#### District-Wide Campaigns

If vandalism and theft in schools are recurring problems for most institutions within a school district, a "district-wide campaign" can be considered.

The objectives of such a campaign are: 1) public and student awareness to the problems; and 2) motivation of students to respect both public and private property and thereby refrain from acts of vandalism and theft.

Planning the campaign to assure uniformity of message, student and community involvement, and media support is very important.

One such district-wide campaign has been conducted for two successive years as a joint effort of the police department, school board, and business community. Information can be obtained by contacting the Lexington-Metro Police Department's Crime Prevention Unit, Tel: (606) 253-0733.

*Note: If vandalism is an isolated problem in just one or two schools, a "district-wide" campaign is not advisable.*

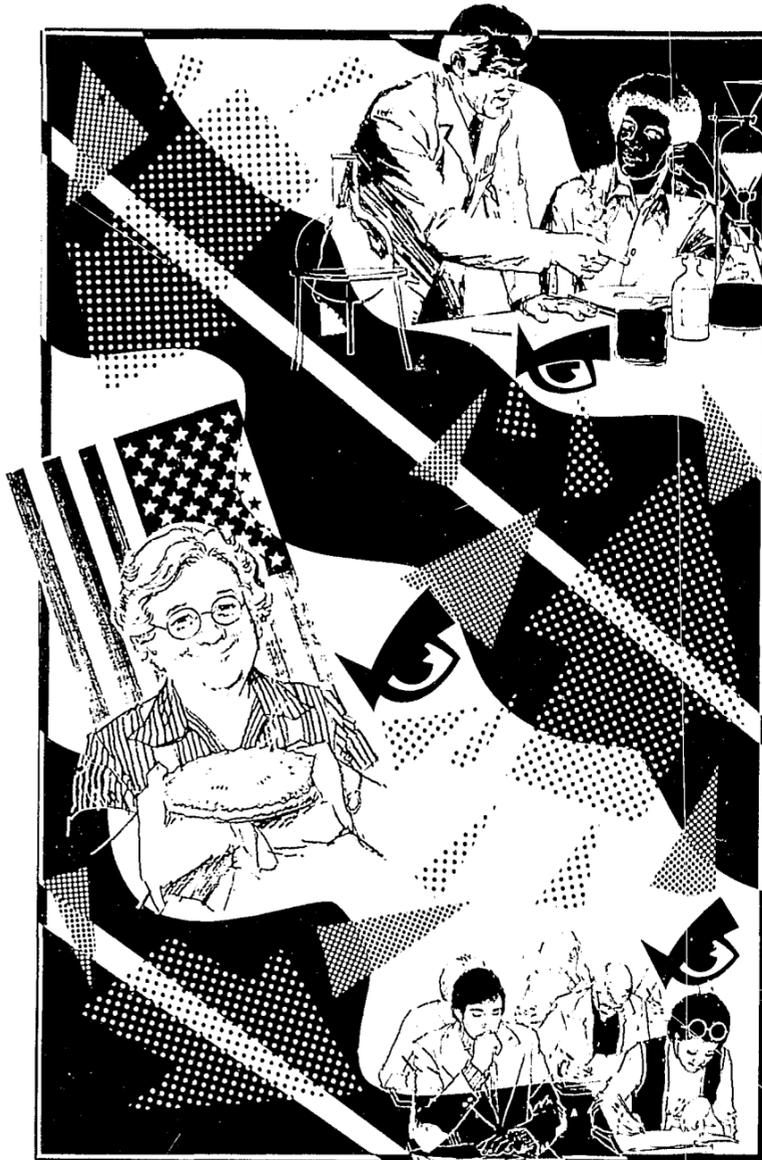
#### Police in the schools

Many police departments have assigned officers to serve as liaisons with the schools in their jurisdiction. This program is often referred to as "Officer Friendly," because the major objective of the police department is to put the officer in a positive relationship with young people.

At the request of the Principal, "Officer Friendly" visits the classrooms and enters into dialogue with students concerning the role of the police and the responsibility of citizens to report crime and practice crime prevention.

This type of police-visitation program can be tied into vandalism and theft prevention programs as well as other school crime problems. Aside from the street-knowledge which the police officer has as a result of responding to situations on a day-to-day basis, the officer represents an "authority figure" in the community with whom the average juvenile seldom comes into contact unless he has been involved in a crime (as a perpetrator or victim).

Schools interested in instituting a police-visitation program should contact the state or local police in their respective jurisdictions.



#### Parent/Student Activities

Every school administrator recognizes the need for parental involvement in the educational process.

Vandalism and school crime prevention offer a healthy medium for students and parents to become cooperatively involved in the solution of recurring problems which school administrators must resolve each day.

Examples of programs which can be initiated toward this end are:

1. **Operation Identification** - Parents and students can be mobilized to assist in marking school property with a permanent I.D. Number. Engravers and Crime Check Warning Decals are available through State and Local Police Departments.
2. **Community Watch** - Parents and students can be organized to assist the school and police in keeping an eye open for suspicious persons or activities on or about school property, particularly during weekends or evenings when school is closed. In this manner, the community becomes the "eyes and ears" of the police. Most police departments will be eager to assist in setting up community-watch programs.
3. **Hands-Up** - A program which involves parents in keeping a watchful eye on younger students who fall victim to crimes while traveling to and from school. Information on this program is available through the Kentucky Federation of Women's Clubs.
4. **Parent-Teacher Association** - The P.T.A. can become involved in many different ways. Some examples are: Sponsoring programs on vandalism and theft at P.T.A. meetings, with speakers from police departments, prosecutor's office, or court. Raising funds to improve physical security (e.g. alarm systems, gates, locks, etc).

### Competitive School Pride

Competitive school pride programs are initiated at the district level and emphasize the positive aspects of care and responsibility for school property.

Because students, teachers, and administrators are competing for an award of excellence in regard to the neatness and aesthetics of the school building and grounds, this type of program can be a real deterrent to acts of vandalism.

Some school districts successfully reinforce competitive school-pride programs by allowing the students to determine how money saved in the upkeep and maintenance budget can be spent.

### Student Juries

The use of peer juries to dissuade the practice of school vandalism has proven effective in some schools. It is usually tied in with a positive restitution program.

Young people who have committed minor vandalism are made to pay for their actions through positive restitution, such as working after school hours with school maintenance or janitorial staff.

Students are selected to serve on a panel of peer jurors to determine the appropriate restitution for offenders. Such juries serve to reinforce the negative attitude of the offenders' peers towards vandalism and, at the same time, teach the students how the justice system works.

### Peer Pressure - Kids-talking-to-kids

Some school districts in other states have developed anti-vandalism campaigns which use students as a primary resource.

Junior and high school students are assigned to visit elementary school classrooms to give talks on the self-defeating aspect of



vandalism. A film is usually shown and open discussion is encouraged.

Where this approach has been tried successfully, school administrators point to the fact that eliminating adult participation leads to an "open" exchange among students. Placing the responsibility on older students to deter younger students from vandalism also helps the older students to form positive attitudes against vandalism.

## APPENDIXES

### A. Interviewing the student or employee suspected of theft or vandalism.

The following guidelines were developed to assist the school principal in interviewing employees or students suspected of theft or vandalism.

These procedures should be followed before a formal warrant for arrest is initiated. The procedures also presume that employee regulations and student conduct codes cover the offenses being investigated, and have been disseminated to students and employees in writing.

*Many administrators are reluctant to question an employee or student regarding an incident. Often, the reluctance is due to fear of civil recourse by the employee or student. The right of an employer to control and enforce reasonable rules and regulations has been upheld consistently by the courts. Where the following steps have been followed, minimal problems have resulted from the interviews, even when criminal acts were admitted during the interview.*

#### SUGGESTED STEPS:

- Conduct interview out of view and hearing of other employees, visitors, and students.
- Conduct interview only during time for which employee is being paid (or student is expected to be in school). Honor all break and lunch times which fall during the interview, in addition to other comfort needs.
- Mention only violations relative to school rules, never criminal law.
- Make no threats or promises in order to have the employee or student make a statement.

- Attempt to follow a sequence on each violation as follows:
  - Ask the employee or student to describe the rule in question.
  - Ask how frequently he or she violates that rule.
  - Determine why the employee or student violates that rule.
  - Ask employee or student to put the information in written form for you.
- Take the action established by school policy for violation of the rule.
- Where termination of employment is decided upon, if a criminal charge was not filed, enter the cause for termination as violation of school procedure. Only upon conviction can the reason be carried as dishonesty.
- Review the procedures or rule violated to determine if it should be changed or altered to reduce the probability of other violations.

When restitution is accepted by the school, be sure that it is understood that the restitution is not in return for an agreement not to prosecute. The acceptance of money or anything of value in return for such an agreement is often a violation of law in itself.

When it is suspected that a number of employees or students may be involved in dishonest activity, it is usually best to contact an investigative firm or the police to conduct the investigation. Untrained personnel may cause the evidence to be lost or injure morale among loyal employees and honest students.

**DEFINITIONS OF OFFENSES THAT MAY BE ENCOUNTERED  
IN SCHOOLS**

By way of general introduction, students in Kentucky public schools would generally fall under the definition of "child" in KRS 208.010(2) which includes any person who has not reached his eighteenth birthday. However, a child sixteen years of age or older may be subject to punishment under Kentucky's criminal laws pursuant to the provisions of KRS 208.194 and 208.200.

**ASSAULT AND RELATED OFFENSES**

**508.010 Assault in the first degree**

A person is guilty of assault in the first degree when:

- (a) He intentionally causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or
- (b) Under circumstances manifesting extreme indifference to the value of human life he wantonly engages in conduct which creates a grave risk of death to another and thereby causes serious physical injury to another person.

**508.020 Assault in the second degree**

A person is guilty of assault in the second degree when:

- (a) He intentionally causes serious physical injury to another person; or
- (b) He intentionally causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or
- (c) He wantonly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.

Offenses related to drugs and alcohol are not listed. Request the publication entitled "Making Decisions - Alcohol and Drug Education Guide, K-12" from: Kentucky Department of Education, Division of Program Development, Frankfort, KY 40601

**508.030 Assault in the third degree**

A person is guilty of assault in the third degree when:

- (a) He intentionally or wantonly causes physical injury to another person; or
- (b) With recklessness he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

**508.050 Menacing**

A person is guilty of menacing when he intentionally places another person in reasonable apprehension of imminent physical injury.

**508.060 Wanton endangerment in the first degree**

A person is guilty of wanton endangerment in the first degree when, under circumstances manifesting extreme indifference to the value of human life, he wantonly engages in conduct which creates a substantial danger of death or serious physical injury to another person.

**508.070 Wanton endangerment in the second degree**

A person is guilty of wanton endangerment in the second degree when he wantonly engages in conduct which creates a substantial danger of physical injury to another person.

**508.080 Terroristic threatening**

A person is guilty of terroristic threatening when:

- (a) He threatens to commit any crime likely to result in death or serious physical injury to another person or likely to result in substantial property damage to another person; or
- (b) He intentionally makes false statements for the purpose of causing evacuation of a building, place of assembly, or facility of public transportation.

## SEXUAL OFFENSES

### 510.040 Rape in the first degree

A person is guilty of rape in the first degree when:

- (a) He engages in sexual intercourse with another person by forcible compulsion; or
- (b) He engages in sexual intercourse with another person who is incapable of consent because he:
  1. Is physically helpless; or
  2. Is less than twelve years old

### 510.050 Rape in the second degree

A person is guilty of rape in the second degree when, being eighteen years old or more, he engages in sexual intercourse with another person less than fourteen years old.

### 510.060 Rape in the third degree

A person is guilty of rape in the third degree when:

- (a) He engages in sexual intercourse with another person who is incapable of consent because he is mentally defective or mentally incapacitated; or
- (b) Being twenty-one years old or more, he engages in sexual intercourse with another person less than sixteen years old.

### 510.070 Sodomy in the first degree

A person is guilty of sodomy in the first degree when:

- (a) He engages in deviate sexual intercourse with another person by forcible compulsion; or
- (b) He engages in deviate sexual intercourse with another person who is incapable of consent because he:
  1. Is physically helpless; or
  2. Is less than twelve years old.

### 510.080 Sodomy in the second degree

A person is guilty of sodomy in the second degree when, being eighteen years old or more, he engages in deviate sexual intercourse with another person less than fourteen years old.

### 510.090 Sodomy in the third degree

A person is guilty of sodomy in the third degree when:

- (a) He engages in deviate sexual intercourse with another person who is incapable of consent because he is mentally defective or mentally incapacitated; or
- (b) Being twenty-one years old or more, he engages in deviate sexual intercourse with another person less than sixteen years old.

### 510.100 Sodomy in the fourth degree

(a) A person is guilty of sodomy in the fourth degree when he engages in deviate sexual intercourse with another person of the same sex.

(b) Notwithstanding the provisions of KRS 510.020, consent of the other person shall not be a defense under this section, nor shall lack of consent of the other person be an element of this offense.

### 510.110 Sexual abuse in the first degree

A person is guilty of sexual abuse in the first degree when:

- (a) He subjects another person to sexual contact by forcible compulsion; or
- (b) He subjects another person to sexual contact who is incapable of consent because he:
  1. Is physically helpless; or
  2. Is less than twelve years old.

**510.120 Sexual abuse in the second degree**

A person is guilty of sexual abuse in the second degree when:

(a) He subjects another person to sexual contact who is incapable of consent because he is mentally defective or mentally incapacitated; or

(b) He subjects another person who is less than fourteen years old to sexual contact.

**510.130 Sexual abuse in the third degree**

A person is guilty of sexual abuse in the third degree when:

(a) He subjects another person to sexual contact without the latter's consent.

(b) In any prosecution under this section, it is a defense that:

1. The other person's lack of consent was due solely to incapacity to consent by reason of being less than sixteen years old; and
2. The other person was at least fourteen years old; and
3. The actor was less than five years older than the other person.

**510.040 Sexual misconduct**

A person is guilty of sexual misconduct when he engages in sexual intercourse or deviate sexual intercourse with another person without the latter's consent.

**510.150 Indecent Exposure**

A person is guilty of indecent exposure when he intentionally exposes his genitals under circumstances in which he knows or should know his conduct is likely to cause affront or alarm.

**BURGLARY AND RELATED OFFENSES**

**511.020 Burglary in the first degree**

A person is guilty of burglary in the first degree when, with the in-

tent to commit a crime, he knowingly enters or remains unlawfully:

(a) In a dwelling;

(b) In a building, and when in effecting entry or while in the building or in the immediate flight therefrom, he or another participant in the crime:

1. Is armed with explosives or a deadly weapon; or
2. Causes physical injury to any person who is not a participant in the crime; or
3. Uses or threatens the use of a dangerous instrument against any person who is not a participant in the crime.

**511.030 Burglary in the second degree**

A person is guilty of burglary in the second degree when, with the intent to commit a crime, he knowingly enters or remains unlawfully in an inhabited building.

**511.040 Burglary in the third degree**

A person is guilty of burglary in the third degree when, with the intent to commit a crime, he knowingly enters or remains unlawfully in an uninhabited building.

**511.060 Criminal trespass in the first degree**

A person is guilty of criminal trespass in the first degree when he knowingly enters or remains unlawfully in a dwelling.

**511.070 Criminal trespass in the second degree**

A person is guilty of criminal trespass in the second degree when he knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure.

**511.080 Criminal trespass in the third degree**

A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.

## **CRIMINAL DAMAGE TO PROPERTY**

### **510.020 Criminal mischief in the first degree**

A person is guilty of criminal mischief in the first degree when, having no right to do so or any reasonable ground to believe that he has such right, he intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of \$1,000 or more.

### **512.030 Criminal mischief in the second degree**

A person is guilty of criminal mischief in the second degree when, having no right to do so or any reasonable ground to believe that he has such right, he intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of \$500 or more.

### **512.040 Criminal mischief in the third degree**

A person is guilty of criminal mischief in the third degree when:

- (a) Having no right to do so or any reasonable ground to believe that he has such right, he intentionally or wantonly defaces, destroys or damages any property; or
- (b) He tampers with property so as knowingly to endanger the person or property of another.

### **512.050 Criminal use of noxious substance**

A person is guilty of criminal use of a noxious substance when he unlawfully deposits on the land or in the building or vehicle of another any stink bomb, device, or irritant with the intent to interfere with another's use of the land, building or vehicle.

### **512.070 Criminal littering**

A person is guilty of criminal littering when he:

- (a) Drops or permits to drop on a highway any destructive or injurious material and does not immediately remove it; or
- (b) Knowingly places or throws litter on any public or private property or in any public or private water without permission; or
- (c) Negligently places or throws glass or other dangerous pointed or edged substances on or adjacent to water to which the public has access for swimming or wading or on or within fifty feet of a public highway; or
- (d) Discharges sewage, minerals, oil products or litter into any public waters or lakes within the state.

## **ARSON AND RELATED OFFENSES**

### **513.020 Arson in the first degree**

A person is guilty of arson in the first degree when he intentionally damages a building by starting a fire or causing an explosion, and when he knows or has reason to believe that another person, not an accomplice, is present in the building at the time.

### **513.030 Arson in the second degree**

A person is guilty of arson in the second degree when he intentionally damages a building by starting a fire or causing an explosion.

In any prosecution under this section, it is a defense that:

- (a) No person other than the defendant had a possessory or proprietary interest in the building, or if other persons had such an interest, all of them consented to the defendant's conduct; and
- (b) The defendant's sole intent was to destroy or damage the building for a lawful purpose.

#### 513.040 Arson in the third degree

A person is guilty of arson in the third degree when he wantonly damages a building by intentionally starting a fire or causing an explosion.

In any prosecution under this section, it is a defense that no person other than the defendant had a possessory or proprietary interest in the building, or if other persons had such an interest, all of them consented to defendant's conduct.

### THEFT AND RELATED OFFENSES

#### 514.030 Theft by unlawful taking or disposition

A person is guilty of theft by unlawful taking or disposition when he unlawfully:

- (a) Takes or exercises control over movable property of another with intent to deprive him thereof; or
- (b) Obtains immovable property of another or any interest therein with intent to benefit himself or another not entitled thereto.

#### 514.050 Theft of property

Except as provided in KRS 365.710, a person is guilty of theft of property lost, mislaid or delivered by mistake when:

- (a) He comes into control of the property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient; and
- (b) With intent to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to have it.

### OFFENSES RELATING TO FIREARMS AND WEAPONS

#### 527.020 Carrying concealed weapon

A person is guilty of carrying a concealed weapon when he carries concealed a firearm or other deadly weapon on or about his person.

Peace officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.

Policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their persons at all times within the Commonwealth of Kentucky, when expressly authorized to do so by the government employing the officer.

### GAMBLING

#### 528.030 Promoting gambling in the second degree

A person is guilty of promoting gambling in the second degree when he knowingly advances or profits from unlawful gambling activity.

### RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES

#### 525.020 Riot in the first degree

A person is guilty of riot in the first degree when:

- (a) He knowingly participates in a riot; and
- (b) In the course of and as a result of such riot a person other than one of the participants suffers physical injury or substantial property damage occurs.

#### 525.030 Riot in the second degree

A person is guilty of riot in the second degree when he knowingly participates in a riot.

#### 525.040 Inciting to riot

A person is guilty of inciting to riot when he incites or urges five or more persons to create or engage in a riot.

#### 525.050 Unlawful assembly

A person is guilty of unlawful assembly when:

- (a) He assembles with five or more persons for the purpose of engaging or preparing to engage with them in a riot; or
- (b) Being present at an assembly which either has or develops such a purpose, he remains there with intent to advance that purpose.

#### 525.060 Disorderly conduct

A person is guilty of disorderly conduct when in a public place and with intent to cause public inconvenience, annoyance or alarm, or wantonly creating a risk thereof, he:

- (a) Engages in fighting or in violent, tumultuous or threatening behavior; or
- (b) Makes unreasonable noise; or
- (c) Refuses to obey an official order to dispense issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
- (d) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.

#### 525.070 Harassment

A person is guilty of harassment when with intent to harass, annoy or alarm another person he:

- (a) Strikes, shoves, kicks or otherwise subjects him to physical contact or attempts or threatens to do the same; or
- (b) In a public place, makes an offensively course utterance, gesture or display, or addresses abusive language to any person present; or
- (c) Follows a person in or about a public place or places; or
- (d) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

#### 525.090 Loitering

A person is guilty of loitering when he;

- (a) Loiters or remains in a public place for the purpose of gambling with cards, dice, or other gambling paraphernalia; or
- (b) Loiters or remains in a public place for the purpose of engaging or agreeing or offering to engage in prostitution; or
- (c) Loiters or remains in a public place for the purpose of unlawfully using a controlled substance; or
- (d) Loiters or remains in or about a school, college or university building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any other specific legitimate reason for being there and not having written permission from anyone authorized to grant the same; or
- (e) Loiters or remains in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade or commercial transactions involving the sale of merchandise or services.

#### 525.100 Public Intoxication

A person is guilty of public intoxication when he appears in a public place manifestly under the influence of alcohol, or a controlled substance, or other intoxicating substance, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or unreasonably annoy persons in his vicinity.

#### 525.150 Disrupting meetings or processions

A person is guilty of disrupting meetings and processions when with intent to prevent or disrupt a lawful meeting, procession or gathering, he does any act tending to obstruct or interfere with it physically or makes any utterance, gesture or display designed to outrage the sensibilities of the group.

## PROSTITUTION OFFENSES

### 529.020 Prostitution

A person is guilty of prostitution when he engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

### 529.030 Promoting prostitution in the first degree

A person is guilty of promoting prostitution in the first degree when he knowingly:

- (a) Advances prostitution by compelling a person by force or intimidation to engage in prostitution or profits from such coercive conduct by another; or
- (b) Advances or profits from prostitution of a person less than sixteen (16) years old.

### 529.040 Promoting prostitution in the second degree

A person is guilty of promoting prostitution in the second degree when he knowingly:

- (a) Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; or
- (b) Advances or profits from prostitution of a person less than eighteen years old.

### 529.050 Promoting prostitution in the third degree

A person is guilty of promoting prostitution in the third degree when he knowingly advances or profits from prostitution.

## ROBBERY

### 515.020 Robbery in the first degree

A person is guilty of robbery in the first degree when, in the course of committing theft, he uses or threatens the immediate use of

physical force upon another person with intent to accomplish the theft and when he:

- (a) Causes physical injury to any person who is not a participant in the crime; or
- (b) Is armed with a deadly weapon; or
- (c) Uses or threatens the immediate use of a dangerous instrument upon any person who is not a participant in the crime.

### 515.030 Robbery in the second degree

A person is guilty of robbery in the second degree when, in the course of committing theft, he uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft.

## FAMILY OFFENSES

### 530.070 Unlawful transaction with minor

A person is guilty of unlawful transaction with a minor when:

- (a) Acting other than as a retail licensee, he knowingly sells, gives, purchases or procures any alcoholic or malt beverage in any form to or for a minor. The defendant may prove in exculpation that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he was of legal age to purchase alcoholic beverages. This subsection does not apply to a parent or guardian of the minor; or
- (b) He knowingly induces, assists, or causes a minor to engage in illegal sexual activity except those offenses involving minors in KRS Chapter 531 and KRS 529.040(1)(b), illegal controlled substances activity, illegal gambling activity or any other criminal activity; or
- (c) He knowingly induces, assists or causes a minor to become a habitual truant; or
- (d) He persistently and knowingly induces, assists or causes a minor to disobey his parent or guardian.

# Code of Conduct



**paducah  
public  
schools**

## ANNUAL NOTIFICATION OF PARENTS

"In accordance with the Family Education Rights and Privacy Act, parents shall have the right to inspect and review all education records relating to their child by making request to the principal of each school or other designated official. This right shall be passed on to the student at age 18.

Written policies have been developed which describe types and locations of these records and the specific procedures available to parents for the review of records, the amendment of or hearing concerning education records believed to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, and for the disclosure and destruction of records. Copies of these policies and procedures may be obtained upon request from the office of the principal or of the Superintendent.

In accordance with federal regulations concerning the release or transfer of educational records, it is the policy of this school district to forward education records on request to a school in which a student seeks or intends to enroll. Parents may obtain upon request copies of the records transferred and an opportunity for a hearing.

Parents shall have the right to file complaints to the Family Education Rights and Privacy Act concerning any alleged failures of the district to comply with this act.

Parents of a child who has graduated or otherwise left the district and who was formerly enrolled in a program for exceptional children may request the destruction of any personally identifiable information in the education record of their child which was collected, maintained, or used for the identification, evaluation, or placement of the exceptional child. Such requests should be addressed in writing to the Director of Pupil Personnel."

## PURPOSE

*The purpose of this handbook is to provide a concise outline of rights and responsibilities of students in the Paducah Public Schools and of those people, including parents/guardians and school personnel directly involved in the education process.*

## POLICY STATEMENT

The Board of Education's primary concern is that students who wish to learn can do so in an environment conducive to learning and that disciplinary means be employed on behalf of those who would destroy or deny such an environment. In an attempt to promote this environment, a Code of Conduct has been developed.

This Code of Conduct provides for consistent treatment for all pupils, fairness as required by constitutional due process and an atmosphere of open communication and clearly understood rules, and which 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. It is expected that sound, fair and equitable judgement should be considered by pupils, teachers, principals, parents/guardians and others in applying the principles of the Code of Conduct. This policy applies to all students in the Paducah Public Schools.

The Code of Conduct is the result of expressed concerns on the part of the community and provides for an annual review by the school community and the Board of Education to insure an effective document which meets the needs of the total educational community.

## PHILOSOPHY OF RIGHTS AND RESPONSIBILITIES

The protection and safeguards of the United States Constitution and, more particularly, of the Bill of Rights, apply to all students. Responsibility is inherent in all rights. No student or other person involved in the public schools can realize his rights unless he also exercises the self-discipline and care to afford all others the same rights and not allow his own actions to infringe upon the rights of others. In a social situation such as the public schools all participants, students, parents/guardians, teachers, administrators and others in the educational process, have the right and responsibility to know the basic standards of conduct and behavior which are expected. The school environment is a community of individuals who live and interact based upon commonly shared rules, rights and responsibilities, expectations and common sense.

## A. STUDENTS

### 1. Students have the right to the opportunity for:

- a. a meaningful public education, the maintenance of high educational standards, and a system of public education which meets the needs of the individual students.
- b. reasonable and timely notice of all rules, regulations, policies, and penalties to which they may be subject.
- c. physical safety and protection of their personal property.
- d. consultation with teachers, counselors, administrators, and other school personnel.
- e. free election of their peers in student organizations in which all students have the right to seek and hold office.
- f. examination by themselves, their parents/guardians or their authorized representatives of their own personal school records.
- g. involvement in school activities without being subject to discrimination on any basis. (Where participation in activities is on a competitive basis, each student has the right to an opportunity to compete on an equal basis.)
- h. respect from other students and school personnel.
- i. presentation of complaints or grievances to school authorities and receipt of authoritative replies from school officials regarding the disposition of their complaints or grievances.

### 2. Each student shall:

- a. be responsible for his own conduct and for showing consideration for the rights and property of others.
- b. exhibit neatness and cleanliness of personal attire and hygiene.
- c. refrain from fighting, creating disturbances, excessive noise, denying others the use of school facilities or buildings, using or carrying any weapon on school premises, intentionally injuring another person or exposing others to harm or using threats or intimidation against any other person.
- d. refrain from using tobacco, except in designated areas at Paducah Tilghman, or using, possessing or transmitting any alcoholic beverage or illegal substance.
- e. refrain from gambling, extortion, theft or any other unlawful activity.
- f. show respect for the educational process by taking advantage of every opportunity to further his/her education.
- g. show respect for the educational process and learning environment by refraining from intentional or habitual tardiness or unexcused absence.
- h. practice self-control, control of voice and all limbs.

## B. TEACHERS

### 1. Teachers have the right to the opportunity for:

- a. the support of co-workers and administrators.
- b. work in an educational environment with a minimum of disruptions.
- c. expecting all assignments, including homework, to be completed and turned in as assigned.
- d. removing for up to a class period to the designated area any student whose behavior significantly disrupts a positive learning environment.
- e. enjoying safety from physical harm and freedom from verbal abuse.
- f. providing input to aid in the formulation of policies that relate to their relationships with students and school personnel.
- g. taking action necessary in emergencies to protect their own person or property or the persons or property of those in their care.

### 2. Teachers have the responsibility:

- a. to present the materials and experiences to students and to inform students and parents/guardians of achievement and progress.
- b. to plan a flexible curriculum which meets the needs of all students and which maintains high standards of academic achievement.
- c. to administer such discipline as is necessary to maintain order and decorum without discrimination on any basis.
- d. to evaluate students' assignments and return them as soon as possible.
- e. to exhibit exemplary behavior in action, dress and speech.
- f. to inform parents/guardians of children's successes, problems or failures promptly.
- g. to reward exemplary behavior or work of students.
- h. to recommend for retention in a class any child who fails to meet the basic standards of such class.
- i. to maintain an atmosphere conducive to good behavior and to exhibit an attitude of respect for student.
- j. to maintain necessary records of student progress and attendance as accurately as humanly possible.
- k. to follow rules and regulations by the board of education and/or school administration.

## C. PARENTS/GUARDIANS

### 1. Parents/Guardians have the right:

- a. to send their child to a school with an environment where learning is prized.
- b. to expect classroom disruptions to be dealt with fairly, firmly, and quickly.

- c. to enroll students in the Paducah School District where they shall attend classes regularly and promptly with minimal interruptions.
- d. to expect the school to maintain high academic standards.
- e. to review the child's academic progress and other pertinent information which may be contained in the student's personal records.
- f. to address grievances concerning their child and to receive a prompt reply for any alleged grievance.

### 2. Parents/Guardians have the responsibility:

- a. to instill in their children the values of an education.
- b. to instill in their children a sense of responsibility.
- c. to help children understand that disruptions in the school are detrimental to the educational program for all students.
- d. to become familiar with the educational program and the procedures.
- e. to inform children about the disciplinary procedures of the school and emphasize the importance of following same.
- f. to see that children attend school regularly and promptly.
- g. to determine the facts of any situation before passing judgement.
- h. to recognize that school personnel must necessarily concern themselves with education.
- i. to support the good efforts of the school personnel.
- j. to demonstrate respect for the teachers, administrators and school personnel at school and all school related activities.

## D. PRINCIPALS

### 1. Principals have the right:

- a. to expect staff members to comply with policy and directions of the principal.
- b. to suspend any student whose conduct disrupts the educational process.
- c. to expect respect from students, parents/guardians and staff members.

### 2. Principals have the responsibility:

- a. to help create and foster an atmosphere of mutual respect and consideration among students and staff members.
- b. to administer discipline fairly and equally, following the guidelines set forth herein, but also using his/her own judgment.
- c. to exhibit exemplary behavior in action, dress and speech.
- d. to direct the development of a program of instruction that explains the code of conduct to the school community.

## I. DISCIPLINARY PROCEDURES

The following rules, regulations and procedures are in no way attempting to replace or remove routine classroom discipline from the teachers of Paducah Public Schools. Teachers will still have at their disposal disciplinary measures such as detention, conferences with students and/or parents/guardians or corporal punishment, as described in Board Policy, to be used at the discretion of the teacher.

This section of the code contains a description of discipline procedures that will be used by principals in administering the code. This is followed by a definition of the most common rule infractions. Listed under each rule infraction are the discipline procedures for offenses. These written penalties are mandatory actions.

There will certainly be other acts of misbehavior or violation of criminal laws or school laws that are not included in this list. In such instances, disciplinary action will be at the discretion of the principal or of the principal and/or the superintendent.

Of course, students and parents/guardians shall have access to due process as spelled out in this document.

### BUS DISCIPLINE

Student conduct on school buses, as a part of the school environment, follows all the requirements and provisions as outlined in the code. Disciplinary action removing a student's privilege to ride a school bus must be a result of behavior serious enough to warrant suspension from riding the bus, school or both.

### PROBATION

A probation period may be established for students when a school principal determines that it would better benefit the student to remain in the classroom than to incur an out-of-school suspension. A conference will be held with the student, the student's parent/guardian, a counselor and the teacher involved with the student in order to develop a behavioral contract which will enable the student to remain in class. The contract becomes effective when signed by the student, parent/guardian and the principal or his/her designee.

A contract form will be drafted in terms readily understood by the student. The contract will simply state the name and title of the persons entering into the contract; the expected or required behavior of the student; and the consequences of violation of the required behavior.

A breach of contract may result in an alternative to the contract, such as referral to the Behavior Disorder Center, Alternative Center or out-of-school suspension.

**PROCEDURE A:** The principal or head teacher shall:

1. a. Notify parent/guardian by phone, certified letter or message.
- b. Confer with parties concerned.

2. Suspend the student for no more than five (5) school days or until parent/guardian conference and/or administration of corporal punishment.
3. Refer student to Behavior Disorder Center.
4. Deny riding the bus up to 5 days.
5. Deny riding the bus for more than 5 days but no longer than the remainder of the current semester.
6. Notify superintendent or his designee, director of pupil personnel and other appropriate persons.

**PROCEDURE B:** The principal or his/her head teacher shall:

1. a. Notify parent/guardian by phone, certified letter or message.
- b. Confer with parties concerned.
2. Suspend the student for no more than ten (10) school days. The superintendent or his designee and the director of pupil personnel shall be notified.
3. In extreme cases, the student may be placed at the alternative center or present a recommendation for expulsion to the superintendent for presentation to the Board of Education that the student be expelled. No student shall be expelled without a hearing before the Board of Education. The hearing shall be held as soon as practicable after the date of the suspension.
4. Notify superintendent or his designee, director of pupil personnel and other appropriate persons.

**PROCEDURE C:** The principal or his/her head teacher shall:

1. a. Notify parent/guardian immediately by phone, certified letter or message.
- b. Refer to proper law enforcement authorities.
2. Confer with parties concerned.
3. Present a recommendation for expulsion to the superintendent for presentation to the Board of Education that the student be expelled. No student shall be expelled without a hearing before the Board of Education. The hearing shall be held as soon as practicable after the date of the suspension.
4. Notify superintendent or his designee, director of pupil personnel and other appropriate persons.

**NOTE:** There are circumstances under which any of the violations indicated, when considered in the context of the circumstances surrounding their occurrence and/or the student's past behavior record, can lead to a recommendation for expulsion from school by way of suspension or expulsion.

The Paducah Board of Education recognizes that a petition/warrant to the court may be filed by the aggrieved party regarding criminal acts. Further, the Board recognizes that acts which are interpreted as violations of state and local law shall be reported to the local law enforcement agencies.

## II. CONDUCT WARRANTING DISCIPLINARY ACTION

### I. DISORDERLY CONDUCT (Including Profanity and Obscene Behavior)

Conduct and/or behavior which is disruptive to the orderly educational procedure of the school. Scuffling and horseplay may lead to more serious conflicts; therefore, it is not allowed in halls, classrooms, on campus, buses or on the way to and from school.

Violation Procedure A  
Procedure B

2. DEFIANCE OF AUTHORITY

Refusal to comply with reasonable request of school personnel.

Violation Procedure A  
Procedure B

3. FIGHTING

Students who willingly engage in physical contact for the purpose of inflicting harm on the other person.

Violation Procedure A  
Procedure B

4. MALICIOUS REMARKS

To willfully intimidate, insult, or in other manner abuse verbally or in writing any member of the school staff or student body.

Violation Procedure A  
Procedure B

5. FORGERY

The act of falsely using the name of another person, or falsifying documents or correspondence from or to the school.

Violation Procedure A  
Procedure B

6. SMOKING

The use of tobacco, in any form, on school property. (Except the designated area at Paducah Tilghman High School)

Violation Procedure A  
Procedure B

7. GAMBLING

Participating in games of chance for the express purpose of exchanging money.

Violation Procedure A  
Procedure B

8. PHYSICAL ASSAULT

Physical attack of one person or a group of persons, upon another who does not wish to engage in the conflict, and who has not provoked the attack. A person who finds himself the victim of an assault has the right

to defend himself against the attack in such a manner as to protect his/her person.

Violation Procedure B  
Procedure C

9. THEFT

The taking of property of others, (students, teachers, visitors, etc.) without their consent, possession of stolen property, or possession without owners permission, selling of school property.

Violation Procedure A or B  
Procedure C

10. DESTRUCTION OR DEFAACEMENT OF SCHOOL PROPERTY

The destroying or mutilating of objects or materials of the school. Restitution and/or repair will be made by the offending student.

Violation Procedure A  
Procedure C

11. POSSESSION OF WEAPONS

The possession of any instrument, such as fireworks, explosives, knives, clubs, guns, chains, and the like that can be used to inflict bodily injury to another person.

Violation Procedure B  
Procedure C

12. EXTORTION

The solicitation of money, or something of value, from another student, regardless of the amount, in return for protection, or in connection with a threat to inflict harm.

Violation Procedure B  
Procedure C

13. LOITERING BY UNAUTHORIZED STUDENTS

Being on school grounds or in the school without authority or permission of school personnel. This would include students on shortened programs or suspended students.

Violation Procedure B  
Procedure C

14. USE OF WEAPONS

The use of any instrument, such as explosives, knives, clubs, guns, chains,

metal combs, razor blades, and the like that can be used to inflict bodily injury to another person.

Violation Procedure C

15. **USE OF, POSSESSION OF, OR UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES OR OTHER ILLEGAL SUBSTANCES**  
Alcoholic beverages include any beverage with alcoholic content. Illegal substances include glue, dangerous drugs, narcotics, marijuana, barbituates, amphetamines, and any other material that has a harmful or unnatural effect on the person using them. Possession includes items found in the locker assigned to the student.

Violation Procedure C

16. **AGGRESSIVE MISBEHAVIOR TOWARDS ANY SCHOOL EMPLOYEES**  
Physical contact or threat of physical contact towards school employees with the intention of doing bodily harm by a student or group of students.

Violation Procedure C

17. **BOMB THREAT**  
Making a threat that a bomb has been placed, or is about to explode in a school.

Violation Procedure C

18. **FALSE FIRE ALARM**  
Falsely alerting the Fire Department, or school to a non-existent fire.

Violation Procedure C

19. **ARSON (or Attempted Arson)**  
Starting a fire within the school or on the school grounds, for any purpose that results in destruction or disruption.

Violation Procedure C

20. **INTIMIDATION OF WITNESS**  
Any physical or verbal intimidation of any witness to any school violation.

Violation Procedure C

21. **REPEATED VIOLATIONS**  
Repeatedly failing to comply with directions of teachers, student teachers, substitute teachers, teacher aides, principal or other authorized school personnel during any period of time when the student is properly under the authority of school personnel.

Violation Procedure A  
Procedure B or C

### III. DUE PROCESS:

Due process includes those rights which accrue to a student accused of violating school regulations and which may be brought to his defense at a disciplinary conference or hearing pending possible suspension or expulsion from school.

#### A. Suspension

In the event the discipline of a student is to deny attendance from a single class, or any portion of a school day or for one or more days, not exceeding 10 days, a conference with the school principal or his/her head teacher shall first be conducted with the student as follows:

1. An oral and written notice of the rule which has been violated, (including the specific act committed), shall be provided the student.
2. An explanation of the evidence and/or witness, if any, in support of the charges shall be provided to the student, except in cases where it is believed that giving a particular witnesses' name may subject the witness to harassment.
3. An oral and written explanation of the consequences, which shall include the dates and duration of the suspension which may be imposed, shall be provided to the student.
4. The student shall be provided the opportunity to present his/her explanation and rebut the evidence.
5. In the event the student is denied attendance the parents or guardians of the student shall, as soon as reasonably possible, be notified by letter, certified letter, signed receipt, or personal message of the reason for the student's suspension and the duration of the suspension.

#### B. EXPULSION

In cases where expulsion has been recommended, the same procedure as that outlined above must be adhered to. In addition:

1. The hearing must be held before the Board of Education and must precede the expulsion.
2. Notice of the hearing should be given five days before it is held.
3. The student may be represented at the hearing by any person of his/her or his/her parents/guardians choice.

### IV. ATTENDANCE

#### A. PADUCAH SCHOOLS PHILOSOPHY

The progress of a student at school depends greatly on the punctuality and regularity of attendance. It is desirable that every student should be in the designated area five minutes prior to the beginning of school. Also, each student should be in each class on time. To secure such attendance we ask your hearty cooperation.

We firmly believe that attendance is a student-parent/guardian responsibility. The intent of this attendance procedure for the Paducah Schools is to provide a structure within which students can gain maximum benefit from the instructional program. Regular attendance in class is necessary if students are to receive adequate guidance through their class work and benefit from the discussions. All students are expected to attend class every day that school is in session.

When a student must be absent from school for illness, death in family, communicable disease, injury, quarantine or other unforeseeable emergency, it is the responsibility of the parent/guardian to call the school where the child is enrolled to inform the principal of the reason for the absence. This call must be made each day of the absence; otherwise, someone from the school will call or visit the residence. The call in time shall be established by each school.

If a student is to be absent for a day, the parent/guardian should do one of two things: (1) the parent/guardian should call the school in the morning before 10:00 a.m. or, (2) the parent/guardian may send a written excuse with the student when he or she returns to school. If the call is made early in the morning each day the student is absent a note is not necessary. The written excuse should include full name of student, date or dates, reason and full signature of the parent/guardian.

If a student is absent consecutively for 10 or more days due to illness, the school nurse and/or the Director of Pupil Personnel will make a home visit to determine if the student should be placed on home instruction or referred to a physician for same.

All absences for which parents/guardians have called or sent written excuses giving legitimate reasons for the absence will be excused. All other absences will be considered unexcused.

#### B. MAKE UP WORK (Elementary and Junior High School)

Students having excused absences shall be allowed to make up work. It is the students' and parents/guardians responsibility to contact the teachers concerning make up work. The principal with the teacher will determine whether make up work for unexcused absences will be given. For every day the student has an excused absence, he will receive the same amount of days to complete make up work.

#### C. KENTUCKY COMPULSORY ATTENDANCE LAWS

159.010. Parent or custodian to send child to school - Age limits for Compulsory Attendance

Except as provided in KRS 159.030, each parent, guardian or other person residing in the state and having in custody or charge any child between the

ages of seven (7) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session, or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between seven (7) and sixteen (16) when the child has reached his seventh birthday and has not passed his sixteenth birthday. Any parent or guardian who elects to send a child six (6) years of age to school shall keep the child in regular attendance. Every child actually resident in this state is subject to the laws relating to compulsory attendance, and neither he nor the person in charge of him shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonal or that his parent is a resident of another state

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The residence of the child is the governing factor rather than the residence of any of the relatives. When the child's residence is within the same district as his/her legal guardian, during all the school year, then the child is required to attend school in this district.

#### 159.150. Truancy - What Constitutes

Any child who has been absent from school without valid excuse for more than three (3) days, or tardy on more than three (3) days, is a truant. Any child who has been reported as a truant more than three (3) times is an habitual truant. Being absent for less than half of a school day shall be regarded as being tardy.

#### D. EXCUSED ABSENCES (Elementary and Junior High Schools)

Absences from class which may be excused are:

1. Illness
2. Family Emergencies
3. Authorized school activities
4. Participation in 4-H activities
5. Absences which, according to the discretion of the principal and parent or guardian, may be deemed appropriate but not covered in the above stated instances.
6. Death in family
7. Doctor or dentist appointment

#### E. UNEXCUSED ABSENCES (Elementary and Junior High Schools)

1. Definition of unauthorized absences: A student's absence from part or all of the school day without the knowledge and consent of his parents, legal guardian or authorized school personnel.
2. Absences from class which may not be excused are:
  - a. Truancy
  - b. Indifference of parents/guardians
  - c. Poverty
  - d. Working without permit
  - e. Vacations
  - f. Missed bus
  - g. Distance

3. Definition of Tardiness: A student who is not seated in his homeroom, classroom or other assigned areas when the tardy bell rings is considered tardy.

**F. ATTENDANCE PROCEDURE — AGE 7 - 16 (for unauthorized and unexcused absences)**

The procedure for handling truancy for Elementary and Junior High School pupils shall be:

1. First day truant:

The first day a child is absent without the parents/guardians having called the school or making previous arrangements, the school will either call the parent or send a letter. His name will also be turned into the office and an attendance record will be made.

2. Second day truant:

The second day truant the parents/guardians shall be notified either by telephone or letter and invited to a conference with the principal or designee. The parents/guardians will be made aware of the consequences of continued truancy from school. The parents/guardians will be asked to sign a statement indicating their knowledge and understanding of the consequences of continued truancy. A copy of the signed statement or a notation that the parent has refused to sign or refused to attend the conference shall be retained in the school files.

3. Third day truant:

The third day of truancy the parents/guardians shall be notified by mail or by telephone by the school principal or designee. The principal or designee will notify the Director of Pupil Personnel who will make a home visit and explain KRS 159.010 with its consequences for violation to the parents/guardians. A final notice will be presented to the parents/guardians in exchange for their signature on a receipt. If the Director of Pupil Personnel is unable to locate the parents/guardians at the residence, a notice of visit letter stating the purpose of the attempted visit will be left at the residence. Upon returning to the office the final notice will be sent by Certified Mail.

4. Fourth day truant:

The fourth day of truancy the parents/guardians shall be notified by mail or telephone by the school principal or designee. The principal or designee will notify the Director of Pupil Personnel and a truancy petition will be signed with the Juvenile Department. An informal adjustment hearing will follow within 5 days at the Board of Education.

5. Fifth day truant:

The fifth day of truancy the principal or designee shall notify the parents/guardians by telephone or mail. The principal or designee will notify the Director of Pupil Personnel who will sign a warrant for the parents/guardians which will result in a hearing in District Court.

**G. ATTENDANCE PROCEDURES — Tilghman**

1. ATTENDANCE

The progress of a student at school depends on the punctuality and regularity of attendance. Students are expected to be at school every day and in their assigned classrooms on time. We believe that attendance is a student-parent/guardian responsibility. There will be no detention for tardiness, truancy or skipping classes.

2. ABSENCES

Only absences for illness certified by a physician's statement for services rendered on specific dates for specific illnesses will be EXCUSED. All other absences are UNEXCUSED.

Parents or guardians must call the principal, deans or nurse before 11:00 a.m. daily to report student's absence. When the student returns to school he must bring a statement signed by the parent/guardian to the dean before he is readmitted to school. This note must be signed by each teacher and returned to the Deans' office for filing.

Pupils are not absent when participating in school activities which have been authorized by the Paducah Board of Education and which are a definite part of the instructional program of the school.

Pupils are not absent when participating in activities which are provided in KRS 158.240 and 159.035. Pupils may not be excused when they are absent as spectators at school activities.

Participation in 4-H Activities to be considered attendance (KRS 159.035).

Anything in the statutes of the Commonwealth to the contrary notwithstanding, all pupils in the schools of the state who are enrolled in properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided, the student is accompanied by or under the supervision of a county extension agent or the designated 4-H club leader for the 4-H club educational activity participated in.

Attendance at Kentucky State Fair (KRS 158.070 (2) This section states that boards of education" . . . shall use one day of excused absence for attendance at the Kentucky State Fair for students applying for excused absence for this purpose."

Absences because of death in the immediate family will require a written statement and a phone call to the Dean.

Students will be allowed 12 unexcused absences.

Students should understand that the 12 days of unexcused absences built into the attendance policy are not to be considered as approved skip days, but, rather they should be used for personal illness or injury, professional appointments (doctors, dentists, etc.) emergencies or serious personal or family problems.

All absences after four (4) days will be reported to the Dean for follow up.

A letter from the principal will follow eight absences advising and/or reminding parents/guardians of credit loss should absenteeism exceed twelve.

The deans will continue to contact parents/guardians daily at home and at work concerning absence, truancy, skipping classes, excessive tardiness, etc.

In order to earn course credit, students must meet all other course requirements as well as maintaining an acceptable attendance record.

On the 13th unexcused absence the deans will contact the parents/guardians; a registered letter will be sent from the principal notifying parents/guardians that the student has been withdrawn and will lose credit in all classes for the semester. A recommendation for expulsion will be given to the superintendent for presentation to the Board of Education.

### 3. TRUANCY

If a student is absent from school without parents/guardians or school officials' knowledge, he is considered truant from school. In this case the student will be required to bring his parents/guardians to school before he may return:

First truancy: Parent/guardian, student-dean conference — student placed on probation.

Second truancy: Parent/guardian, principal, student conference — principal advises parents/guardians that probation will be revoked if third truancy occurs.

Third truancy: Probation revoked — student referred to alternative school if under 16 years of age. Students 16 years and above will be withdrawn from school for habitual truancy. A recommendation for expulsion will be given the superintendent for presentation to the Board of Education. The hearing shall be held as soon as practicable after the date of the suspension.

### 4. TARDINESS

Three (3) tardies will equal one (1) absence and one (1) truancy. The procedure for handling truanies will apply.

Tardiness to class:

After (3) T's - Parents/guardians will be notified by the Dean — Student placed on probation.

After (6) T's - The dean will have a student-parent/guardian-principal conference — Principal advises parents/guardians that probation will be revoked if third truancy occurs.

After (9) T's - Probation revoked — student referred to alternative school if under 16 years of age. Students 16 years and above will be withdrawn from school for habitual truancy. The hearing shall be held as soon as practicable after the date of the suspension.

Any student that is more than 15 minutes late to a class will be considered absent; however, he must report to class and remain there.

Students arriving later than the scheduled beginning for a class will be tardy. (Being in room and at seat when bell starts to ring.)

The procedure used in handling students who are tardy is as follows:

The teacher may counsel the student when he is tardy the first time during a quarter. The student should be encouraged to get to class on time and not to allow tardiness to become a problem. Thereafter, the teacher must refer the student to a dean if he is tardy.

A record will be kept by the dean on each student referred for tardiness. The record will be kept on a semester basis. A student will not be held accountable for his tardiness beyond a semester unless he has been referred to a dean more than three times. Should a student be referred to a dean for tardiness more than three times during a semester his record may be carried into the next quarter if deemed appropriate by the dean.

### 5. MAKE-UP

Students having excused absences shall be allowed to make up work. It is the students and parents/guardians responsibility to contact teachers concerning make up work.

Present policies pertaining to make up work and also time loss due to an authorized activity will apply.

Having only excused absences will not necessitate automatic credit in a course. Although work may be made up this does not insure credit for all classes. Excessive excused absences may cause failure in some classes.

The teacher will determine whether make up work for unexcused absences will be given based on the parents/guardians statement.

### 6. HEARING

Upon written request to the principal as to any decision concerning an excused absence, a hearing will be held within 10 calendar days thereafter before a panel of certified personnel appointed by the superintendent. Any aggrieved parent/guardian or student may produce evidence concerning the absence to this panel. Such evidence shall be summarized for reconsideration by the principal and superintendent.

### GRIEVANCE PROCEDURE

Parents/guardians desiring to question actions taken by school personnel may follow this procedure:

1. If the problem is related to the classroom, the parent/guardian will contact the principal to arrange a conference with the classroom teacher, as soon as possible, to discuss the problem.
2. If this conference does not resolve the situation, the teacher and parent will arrange for a conference with the principal or his/her designee with a minimum of delay.
3. If the problem is not related to the classroom the parent will contact the principal directly.
4. If none of the above procedures results in a satisfactory solution to the problem, the parent shall state his/her complaint in writing and may request a conference with the Superintendent or his/her designee.
5. During this conference either party may have present individuals having knowledge relative to factors involved. The other party shall be notified in advance if such persons are to be present.
6. The Superintendent or his/her designee will advise the parent in writing of the disposition within fourteen (14) days after the conference.
7. The parents may appeal in writing to the superintendent who will arrange a meeting with the Board of Education if the parents/guardians are not satisfied with the decision of the superintendent or his/her designee.

**END**