



Code of  
**STUDENT  
CONDUCT**

Revised, July 2024





**Olathe Public Schools**  
THEIR FUTURE IS OUR FUTURE

Providing our students with a safe and positive learning environment is a top priority of our district and community. The Board of Education has adopted a *Code of Student Conduct* the district expects all schools to implement and all students to follow.

We encourage you to read this important information and discuss this as a family at home. Please feel free to contact your school administrators to discuss any of these policies or ask any questions regarding implementation.

In addition to these policies, the Olathe Public Schools promotes positive expectations and provides positive supports for students through school experiences that promote kindness, compassion and leadership. Our Student Guiding Principles of respect, honesty, responsibility, and trustworthiness guide the day-to-day expectations for student interaction. We strive to create an atmosphere where all students, regardless of individual differences, are respected, accepted, and safe.

We know our students and families make every effort to support our efforts to keep schools safe and support positive emotional-wellness for our students. Our community expects each school to be “A Safe School for All.”

The *Code of Student Conduct* is only reprinted when there are major revisions. Visit [www.olatheschools.org](http://www.olatheschools.org) for current information, including any revisions to this document. This document is made available to every student and family at the beginning of the school year. A print copy may be requested at any time from your school’s front office.

# MISSION AND BELIEFS

## **OLATHE PUBLIC SCHOOLS' MISSION:**

To provide a safe and positive environment where all students acquire skills, knowledge, abilities, and behaviors necessary to be productive citizens in an ever-changing world.

## **BELIEFS:**

### ***We Believe...***

- All children can learn.
- A quality education enables students to acquire skills, learn knowledge, and develop necessary abilities and behaviors.
- A quality education should be accessible to all children.
- Education is the shared responsibility of every student, parent, teacher, staff and community member.
- All children and adults must have high standards for themselves and have high expectations for others.
- Education must develop and nurture respect and dignity for self and others.
- A safe environment is essential to a quality education.
- Education requires many different resources to meet many different needs.
- Education stimulates intellectual curiosity.
- Learning is a life-long process.

## **SCHOOL AND FAMILY PARTNERSHIP:**

The Olathe Public Schools believe that a strong home-school partnership is a vital component in a quality educational experience. Students maximize their learning when parents and teachers engage in frequent communication about shared expectations for academic achievement, student behavior and emotional wellness. Central to the dialogue is a thorough understanding of the standards of school conduct. This *Code of Student Conduct* defines a clear standard of behavior essential to an effective school. Further, the *Code of Student Conduct* is based upon healthy beliefs about behavior established by educators, drug-alcohol treatment professionals, law enforcement, and other youth-serving agencies. The following tenets of the School and Family Partnership outline the steps parents, students, and schools can undertake to guarantee a quality education for the youth of the district.

## **THE PARENT OR GUARDIAN WILL:**

- Foster a positive attitude toward education in the home.
- Show an active interest in their child’s school work and progress through regular constructive communication with the school.
- Assist their child in being neat, appropriately dressed, and well-groomed.
- Ensure their child attends school regularly and on time.
- Report and explain to the school any absence or late arrival.
- Display civil and appropriate behavior when collaborating with school officials whether in person or by phone/email.
- Abide by all applicable school rules.
- Become familiar with the *Code of Student Conduct*, the school and classroom rules, and encourage and assist their child to follow them.
- Be available to talk with the school staff about class work and behavioral/social and emotional issues.
- Have a conference with the teacher(s) and/or appropriate staff if their student receives an unsatisfactory or failing grade in any academic subject or if their student is involved in a discipline matter resulting in the need for proactive efforts, a Positive Behavior Support Plan and/or a school-imposed consequence.

## **THE STUDENT WILL:**

- Come to school every day.
- Attend all classes and be on time.
- Prepare for class with assigned work and appropriate materials.
- Account for his/her own work.
- Be neat, clean, appropriately dressed, and well-groomed.
- Conduct himself/herself in a safe and responsible manner.
- Show respect for all individuals and property.
- Seek help from school personnel when having school or personal problems.
- Follow the rules and regulations established by the school, the classroom teacher, and the *Code of Student Conduct*.
- Assume responsibility for his/her own actions.

## **THE SCHOOL WILL:**

- Provide quality caring learning environments.
- Employ quality teachers, administrators and support staff.
- Value the worth of each individual.
- Maintain a safe and positive environment for students.
- Hold high expectations for academic achievement and good citizenship.
- Provide school-wide, classroom and individual student positive behavior support systems.
- Afford students substantive procedural due process.
- Ensure that curriculum and instruction meet the needs of students.
- Create a supportive environment for students and parents/guardians through open communication.
- Provide current resources and technology.
- Provide information about the *Code of Student Conduct* to each family.
- Be available to confer with families about education and discipline.
- Foster opportunities for students to acquire attributes of character identified in the *Student Guiding Principles*.

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**For contact information:** [www.olatheschools.org](http://www.olatheschools.org)

**Notice of Non-Discrimination:** The Olathe Public Schools prohibit discrimination on the basis of race, color, ethnicity, national origin, sex, disability, age, religion, sexual orientation or gender identity in its programs, activities or employment, and provides equal access to the Boy Scouts and other designated youth groups to its facilities as required by: Title IX of the Education Amendments of 1972, Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, the Equal Access Act of 1984 and other relevant state and federal laws as amended. Inquiries regarding compliance with applicable civil rights statutes related to race, ethnicity, gender, age discrimination, sexual orientation, gender identity or equal access may be directed to Staff Counsel, 14160 S. Black Bob Road, Olathe, KS 66063-2000, phone 913-780-7000. All inquiries regarding compliance with applicable statutes regarding Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act and the Americans with Disabilities Act may be directed to the Executive Director of Special Services, 14160 S. Black Bob Rd. Olathe, KS 66063-2000, phone (913) 780-7000. Interested persons including those with impaired vision or hearing, can also obtain information as to the existence and location of services, activities and facilities that are accessible to and usable by disabled persons by calling the Assistant Superintendent, Operations. (05/22)

# STUDENT GUIDING PRINCIPLES

The following Student Guiding Principles have been identified by staff, students, parents and the community. Approved by the Board of Education in May, 1998, these attributes of character represent the foundation of good behavior vital to citizenship in a democracy. The examples of positive behavior associated with these Guiding Principles are not intended to be a complete list. Having identified these attributes of character, the district will afford students many opportunities to learn and demonstrate the behaviors associated with the Student Guiding Principles.

## 1. Honesty -

Truthfulness to oneself and others in both words and actions...

- I tell the truth.
- I respect the property of others.
- I do my own work.

## 2. Respect-

Treating others as you wish to be treated...

- I am courteous.
- I try to understand the viewpoints of others.
- I display gratitude.

## 3. Responsibility -

Doing what you are supposed to do when it needs to be done, even when no one is watching...

- I choose to make right choices as an individual.
- I control my own behavior and emotions.
- I give my best effort in everything I do.

## 4. Trustworthiness-

Exhibiting dependable behaviors....

- I keep my promises.
- When I say I will do something, I will do it.
- You can count on me to make good choices.

# INTRODUCTION

The standards of conduct listed in the *Code of Student Conduct* and the related administrative options to address inappropriate behavior have been adopted by the Board of Education as approved procedure. The *Code of Student Conduct* is designed to encourage student responsibility, respect for the rights of others and to ensure the safe and orderly operation of all Olathe Public Schools.

This booklet contains examples of the types of inappropriate behavior, which result in disciplinary action. The behaviors described should be viewed as representative of the inappropriate behavior. The list is not inclusive of all types of inappropriate behavior. Any inappropriate student behavior, which is disruptive to an orderly educational environment, will be subject to the authority of the classroom teacher, principal, and/or district personnel.

Each identified inappropriate behavior or type of offense is followed by a description of administrative options for disciplinary consequences, which may be imposed. Olathe Public Schools staff will use their professional judgment in determining which disciplinary action will be most effective in dealing with the student's inappropriate behavior, considering the student's age and maturity, the nature and seriousness of the infraction, the student's previous disciplinary record, and any other relevant factors.

Each principal has the authority to use discretion and common sense as he/she enforces the *Code of Student Conduct*. The principal also has a responsibility, however, to impose an appropriate level of consequence for clear violations of the *Code of Student Conduct*. Additionally, the principal is authorized to apply a higher level of consequence for serious violations of the *Code of Student Conduct* even if it is a student's first offense. Board of Education Policy JCAC, *Safe Schools for All*, Kansas law, and the *Code of Conduct* require that district officials report all crimes committed on school property in accordance with the current Memorandum of Understanding with local law enforcement. The principal also will implement the *Athletic/Activities Substance Abuse Policy* adopted by the Board of Education. A copy of the policy is available at secondary schools.

Parents or guardians are our most important partner in our work with students and parents/guardians will be contacted for all repeated Class I and all Class II, III and IV offenses.

The disciplinary consequences apply to all students consistent with Kansas statutes, K.S.A. § 72-6114, et seq. A student who is recommended for suspension of more than ten days (10) or an expulsion from school is eligible for procedural due process. Specific procedures for applying disciplinary consequences for students with identified disabilities are implemented in accordance with State and Federal regulations.



A student considered for a suspension of less than ten (10) days shall be advised verbally or in writing of the nature of the alleged offense and the evidence, and provided an opportunity to share their version of the events. Parents will be notified regarding the rule violation, evidence, and subsequent consequences based on the *Code of Student Conduct*. An appeal of a suspension of less than ten (10) days can only be made to the school principal, and the decision to grant or deny such an appeal is at the principal's discretion. There is not a district-level procedural due process for suspensions of less than ten (10) days.

## SCOPE OF AUTHORITY

The provisions of this Code apply in all situations in which students are involved, including conduct occurring:

- 1) On Olathe Public Schools property.
- 2) On district approved and/or provided transportation and at bus stops.
- 3) At off-site school sponsored activities.
- 4) Off school property which is the result or cause of disruptive behavior on school grounds or behavior which poses a threat to the safety of students, staff or the learning environment.
- 5) On or off school property via the usage of electronic communication (including but not limited to social media) which substantially disrupts the orderly operation of the school or targets individual students or staff.

### GENERAL NOTE:

The *Code of Student Conduct* applies at all times while students are on or about school district property or areas adjacent thereto, which shall include: any district property being used for an official school activity, property not owned by the district being used for an official school activity, property not owned by the district being used for any school-sponsored activities or events and any vehicle, including school buses, while such vehicle is being used to transport students for the district. This *Code of Student Conduct* also applies to any students whose conduct at any time or place has a direct and immediate effect on maintaining order and discipline in the schools.

**Each principal has the authority to use discretion and common sense in enforcing the *Code of Student Conduct*. The principal is authorized to apply a higher level of consequence for serious violations of the Code even if it is a student's first offense.**

# CLASS I OFFENSES

- **VIOLATION OF GENERAL SCHOOL RULES and/or SCHOOL DISRUPTION:** The failure to comply with or follow general rules of conduct or procedures as determined by individual schools and as outlined in school Student Handbooks, informational folders, handouts, posters, posted school signage, etc. The failure to comply with or follow established procedures or intentional acts, behaviors, or conduct in the classroom, school building and/or on any school district property or at a school-sponsored activity, which disrupts the safe and orderly educational process. This includes all areas and locations on school district property or environments where expectations for appropriate school-behavior exist, including but not limited to classrooms, playgrounds, field trips, lunchrooms, hallways, school assembly areas, parking lots, and school buses.
- **GENERAL NONCOMPLIANCE:** The continuous refusal to participate in regularly assigned classroom activities or to comply with general school rules and procedures.
- **DEFIANCE OF AUTHORITY:** The refusal to comply with a reasonable request from any school representative, lying to any school representative, or disobeying any general rule of school conduct. The fourth and subsequent separate instances of defiance in a school year can be categorized as a Class II offense for consideration as a Class III incorrigible behavior violation.
- **SKIPPING CLASS OR SCHOOL AND/OR EXCESSIVE TARDINESS:** The unauthorized absence from a scheduled class or school without obtaining consent of the proper school authority and/or the repeated failure to report without acceptable excuse to assigned classrooms or other instructional areas before the “tardy bell” rings. The fourth and subsequent separate instances in a school year can be categorized as a Class II offense for consideration as a Class III incorrigible behavior violation.
- **USE OF PROFANE LANGUAGE:** The use of any language (oral or written), act, remark or expression, including obscene gestures and gang symbols, which is offensive to modesty or decency.
- **IMPERMISSIBLE DRIVING TO SCHOOL:** Only students with valid driver’s licenses or permits are allowed to drive a vehicle to and from school.
- **INAPPROPRIATE DRESS:** Dress or appearance that is likely to cause disruption of the educational process or to create a health or safety concern. Any reference to alcohol, tobacco, drugs, sex, gangs or profane language on clothes is prohibited.
- **ACADEMIC DISHONESTY:** Plagiarism, cheating on tests, copying assignments or papers, placing parent/teacher signature on document.

Each principal has the authority to use discretion and common sense in enforcing the *Code of Student Conduct*. The principal is authorized to apply a higher level of consequence for serious violations of the *Code* even if it is a student’s first offense.

**Class I offenses do not require notification to law enforcement.**

# ADMINISTRATIVE OPTIONS

## CLASS I OFFENSES

### ELEMENTARY

#### FIRST OFFENSE:

- In-School Conference with Student
- Individual Student Behavior Support Plan/Student Safety Plan
- Detention(s)
- Parent/Guardian Conference
- In-School Suspension
- Restorative Justice

#### SECOND OFFENSE:

- Individual Student Behavior Support Plan/Student Safety Plan
- Detention(s)
- Parent/Guardian Conference
- In-School Suspension
- Restorative Justice

#### SUBSEQUENT OFFENSES (three or more):

- Individual Student Behavior Support Plan/Student Safety Plan
- Detention(s)
- Parent/Guardian Conference
- In-School Suspension
- Short-Term Out of School Suspension

### MIDDLE SCHOOL

#### FIRST OFFENSE:

- Individual Student Behavior Support Plan/Student Safety Plan
- Detention Or Other Extended School Time Options
- Restriction of Attendance at School Sponsored Activities
- Parent/Guardian Conference
- In-School Suspension
- Short-Term Out of School Suspension
- Restorative Justice

#### SECOND OFFENSE:

- Individual Student Behavior Support Plan/Student Safety Plan
- Detention Or Other Extended School Time Options
- Parent/Guardian Conference
- Restriction of Attendance at School Sponsored Activities
- In-School Suspension
- Short-Term Out of School Suspension
- Restorative Justice



# ADMINISTRATIVE OPTIONS

## CLASS I OFFENSES (cont.)

### MIDDLE SCHOOL

#### **SUBSEQUENT OFFENSES (three or more):**

- Individual Student Behavior Support Plan/Student Safety Plan
- Detention Or Other Extended School Time Options
- Restriction of Attendance at School Sponsored Activities
- Parent/Guardian Conference
- In-School Suspension
- Short-Term Out of School Suspension

### HIGH SCHOOL

#### **FIRST OFFENSE:**

- In-School Conference with Student
- Individual Student Behavior Support Plan/Student Safety Plan
- Detention or Other Extended School Time Options
- Parent/Guardian Conference
- Revocation of Parking Privilege
- Restriction of Attendance at School-Sponsored Activities
- In-School Suspension
- Short-Term Out of School Suspension
- Restorative Justice

#### **SECOND OFFENSE:**

- Individual Student Behavior Support Plan/Student Safety Plan
- Detention Or Other Extended School Time Options
- Parent/Guardian Conference
- Revocation of Parking Privilege
- Restriction of Attendance at School-Sponsored Activities
- In-School Suspension
- Short-Term Out of School Suspension
- Restorative Justice

#### **SUBSEQUENT OFFENSES (three or more):**

- Individual Student Behavior Support Plan/Student Safety Plan
- Detention Or Other Extended School Time Options
- Revocation of Parking Privilege
- Restriction of Attendance at School-Sponsored Activities
- Parent/Guardian Conference
- In-School Suspension
- Short-Term Out of School Suspension

## CLASS II OFFENSES

- **VERBAL ABUSE, OFFENSIVE LANGUAGE, OR THREAT:** Any act of disrespect, whether direct or indirect, towards or in the presence of a teacher, staff member, student or other person in school, including profane or insulting remarks, gestures, or a statement that offends or is intended to offend such persons or the intentional unlawful threat or intimidation by word or act to do violence to the person or property of others or the performance of any act which creates a well-founded fear within another person.
- **INCITING TO FIGHT:** The intentional promotion and/or recording or distribution by electronic device by a student(s) to engage another student(s) in physical conflict, continuous harassment, disruption, or to engage and/or encourage other students to engage in physical conflict or disruption for any purpose or behavior that interferes with the learning or conduct of others while in the school building or on school grounds.
- **BATTERY:** Physical contact with another person when done in a rude, insulting and/or angry manner.
- **VANDALISM:** The willful or malicious destruction or defacement of any property. Vandalism includes, but is not limited to, breaking windows, writing on walls, destroying restroom fixtures, or the use of paint or like materials to deface any portion of the interior or exterior of school property and lawns and/or landscaping, including the furnishings and equipment housed within or upon the school property.
- **STEALING, GAMBLING, EXTORTION:** The unlawful taking or disposition of property of another with intent to deprive the person of the property. Receiving stolen property or possession of stolen property is included in this offense, or the participation on school property in games of chance with the express purpose of exchanging money or other tangible barter, or 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. Significant offenses in this category may be subject to Class III consequences.
- **CONTRIBUTING TO A DISRUPTIVE SITUATION:** The intentional promotion or advocacy, including the recording and/or distribution by electronic device, of student misconduct by any student, for any purpose.

- **BULLYING AND HAZING:** As provided under K.S.A. 72-6147, the bullying is an intentional gesture or intentional written, verbal, electronic or physical act or threat, that is sufficiently severe, persistent or pervasive, and creates an intimidating, threatening or abusive educational environment for a student or staff member, the student knows or should know will have the effect of (1) harming a student or staff member, whether physically or mentally; (2) damaging a student or staff member's property; (3) placing a student or staff member in reasonable fear of harm; (4) cyberbullying, or (5) placing a student or staff member in reasonable fear of damage to the student or staff member's property.

Hazing is any act that recklessly or intentionally endangers the mental health, physical health, or safety of a student for the initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment.

Significant offenses in this category may be subject to Class III consequences.

- **INCENDIARY DEVICES:** The possession of any combustible or explosive substance or any flame-producing device is forbidden (examples include: lighters, ammunition, fireworks, etc.). The intentional damaging of a building or the disruption caused either in the building or on school grounds by the use of any combustible or explosive substance or device. Significant offenses in this category may be subject to Class III consequences.
- **POSSESSION OR EXHIBITION OF OBSCENE LITERATURE OR MATERIAL:** This includes material transmitted or received via electronic means (including personal electronic devices). In all instances the parent/guardian will be notified and the material will be confiscated from the student and be returned only to the parent/guardian.
- **MISUSE/USE OF TECHNOLOGY/VIOLATION OF NETWORK PRACTICES:** Any misuse of District-issued technology, of personal electronic devices, or inappropriate network practices including, but not limited to, practices that do not conform to the District's Acceptable Use Policy (AUP) or other associated guidelines or restrictions related to the use of District technology or access to District networks.
- **LEAVING SCHOOL OR SCHOOL ACTIVITY WITHOUT PERMISSION:** Leaving school grounds or a school activity after arrival at school/activity site without first obtaining permission of the principal or principal's designated representative. Olathe schools have a "closed campus" practice. Students are not permitted to leave the campus for lunch. (Parents, for just cause, may request by note or by telephone permission for their student to leave school ground.)

- **TOBACCO-POSSESSION, USE, SALE OR DISTRIBUTION:** Possession, use, sale or distribution of tobacco or nicotine products, including electronic cigarettes, vapor devices, and pouches at school, on school district property or during a school activity is prohibited. In all instances, the tobacco products will be confiscated from the student and turned over to local law enforcement agencies.
- **TRESPASSING:** Entering or remaining upon any school district property with knowledge that such person is not authorized to do so.
- **STALKING:** Engaging in a course of conduct, including on social media or using an electronic device, that is targeted at a specific person which would cause the targeted person to reasonably fear for their safety, or the safety of a member of the person's immediate family.
- **POSSESSION OF EDUCATIONAL NUISANCE:** Devices that impede or interrupt the educational process including, but not limited to, cell phones on or used during class, smart watches, Air Pods or other wireless or wired head phones, video games, speakers, tablets, playing or trading cards, electronic devices, stuffed animals, radios, MPS players, skateboards, and any other media devices.

Each principal has the authority to use discretion and common sense in enforcing the *Code of Student Conduct*. The principal is authorized to apply a higher level of consequence for serious violations of the Code even if it is a student's first offense.

**Class II offenses shall be reviewed by school officials in collaboration with law enforcement to determine which offenses are appropriate for referral to local law enforcement.**

# ADMINISTRATIVE OPTIONS

## CLASS II OFFENSES

### ELEMENTARY

#### FIRST OFFENSE:

- In-School Conference with Student
- Individual Student Behavior Support Plan/Student Safety Plan
- Detention(s)
- Review Bus Privilege
- Parent/Guardian Conference
- Restorative Justice
- Individual Behavior Plan
- In-School Suspension
- Suspension or Forfeiture of Access to Electronic Devices

#### SECOND OFFENSE:


- Parent/Guardian Conference
- Individual Student Behavior Support Plan/Student Safety Plan
- Review Bus Privilege
- Restorative Justice
- In-School Suspension
- Suspension or Forfeiture of Access to Electronic Devices
- Short-Term Out of School Suspension

#### SUBSEQUENT OFFENSES (three or more):

- Suspension or Forfeiture of Access to Electronic Devices
- Loss of Bus Privilege
- Short-Term Out of School Suspension
- Long-Term Out of School Suspension

### MIDDLE SCHOOL

#### FIRST OFFENSE:

- In-School Conference with Student
  - Individual Student Behavior Support Plan/Student Safety Plan
  - Detention Or Other Extended School Time Options
  - Review Bus Privilege
  - Restitution
  - Restorative Justice
  - Parent/Guardian Conference
  - Restriction of Attendance at School Sponsored Activities
  - Loss of Athletic/Activity Privilege
  - In-School Suspension
  - Suspension or Forfeiture of Access to Electronic Devices
  - Short-Term Out of School Suspension
  - Long-Term Out of School Suspension
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# ADMINISTRATIVE OPTIONS

## CLASS II OFFENSES (cont.)

### MIDDLE SCHOOL

#### SECOND OFFENSE:

- Parent/Guardian Conference
- Individual Student Behavior Support Plan/Student Safety Plan
- Review Bus Privilege
- In-School Suspension
- Community Service
- Restriction of Attendance at School Sponsored Activities
- Restorative Justice
- Loss of Athletic/Activity Privilege
- Suspension or Forfeiture of Access to Electronic Devices
- Short-Term Out of School Suspension
- Long-Term Out of School Suspension

#### SUBSEQUENT OFFENSES (three or more):

- Suspension or Forfeiture of Access to Electronic Devices
- Loss of Bus Privilege
- Short-Term Out of School Suspension
- Long-Term Out of School Suspension

### HIGH SCHOOL

#### FIRST OFFENSE:

- In-School Conference with Student
- Individual Student Behavior Support Plan/Student Safety Plan
- Detention Or Other Extended School Time Options
- Review Bus Privilege
- Restitution
- Restorative Justice
- Parent/Guardian Conference
- Restriction of Attendance at School Sponsored Activities
- Loss of Athletic/Activity Privilege
- In-School Suspension
- Suspension or Forfeiture of Access to Electronic Devices
- Short-Term Out of School Suspension
- Long-Term Out of School Suspension

#### SECOND OFFENSE:

- Parent/Guardian Conference
- Individual Student Behavior Support Plan/Student Safety Plan
- Review Bus Privilege
- In-School Suspension



# ADMINISTRATIVE OPTIONS

## CLASS II OFFENSES (cont.)

### HIGH SCHOOL

#### **SECOND OFFENSE (continued):**

- Community Service
- Restriction of Attendance at School Sponsored Activities
- Restorative Justice
- Loss of Athletic/Activity Privilege
- Suspension or Forfeiture of Access to Electronic Devices
- Short-Term Suspension
- Long-Term Out of School Suspension

#### **SUBSEQUENT OFFENSES (three or more):**

- Suspension or Forfeiture of Access to Electronic Devices
- Loss of Bus Privilege
- Short-Term Out of School Suspension
- Long-Term Out of School Suspension

## CLASS III OFFENSES

- **CAUSING A FALSE ALARM/SETTING OFF DISASTER ALARM FALSELY:** The intentional activation of warning devices or intentionally dialing 9-1-1 and falsely summoning assistance or disconnecting the line causing a public safety response.
- **AGGRAVATED ABUSE/THREATS CAUSING SIGNIFICANT DISRUPTION:** An intentional attempt to do bodily harm to a teacher, staff member, student or other person in school or blatant degrading verbal/physical abuse of others. Threats that involve a significant disruption to the orderly operation of the school (including but not limited to threats made on social media).
- **POSSESSION, CREATION AND/OR USE OR THREAT TO USE A WEAPON OR UNSAFE OBJECT (NOT OTHERWISE DEFINED UNDER CLASS IV):** Possession, creation of while on district premises, and/or use or threat to use weapons, knives (including pocket knives), explosives, chemical repellants, unsafe objects, or other dangerous articles if such articles may be used as weapons or are designed to hurt someone or put someone in fear. The school will turn over all weapons, explosives, or dangerous articles to the appropriate law enforcement agency. This policy may also be applied to cap guns, pellet guns, replicas, antiques, and/or toy guns or firearms.
- **GANG RELATED VIOLENCE:** Organized gang related violence which includes but is not limited to threats, confrontations, intimidations, fighting, and/or possession or use of weapons, when such can be attributed to organized groups or gangs.

- **HARASSMENT:** Any comments, jokes, slurs, spitting, touching or teasing of a harassing or intimidating nature based on a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or religion. This also includes association with a person or group with one or more of the aforementioned characteristics, whether actual or perceived. Further, prohibited conduct amounting to sexual harassment includes, but is not limited to:
  - o verbal, such as derogatory comments, jokes, slurs or remarks/questions of a sexual or demeaning nature or implication;
  - o physical, such as unnecessary, unwanted or offensive touching including, but not limited to, mooning, flashing, de-pantsing, or intending to expose;
  - o visual, any derogatory writings such as email, drawings, graffiti, gestures and looks,
  - o pressure for sexual activity.
  
- **INCORRIGIBLE CONDUCT:** Persistent violations of the *Code of Student Conduct* or persistent violation of the criminal laws of Kansas. Six offenses in Class II and Class III in a school year can be considered as “persistent.”
  
- **CAUSING SERIOUS PHYSICAL HARM TO STUDENT OR STAFF:** Intentional efforts resulting in serious physical harm to a student or staff members.
  
- **SEXUAL MISCONDUCT:** Actual or simulated conduct, including but not limited to, fondling, inappropriate touching, indecent exposure, or the engagement in any sexual activity, whether forced or not, or any photography/videotaping/ electronic recording and/or distribution of such, on school property, during school functions, or at school sponsored activities.
  
- **POSSESSION, USE AND/OR UNDER THE INFLUENCE OF:** Drugs, alcohol, toxic or synthetic or quasi-synthetic substances (e.g., glue, solvents, bath salts), or controlled substances (controlled substances are defined as any substance whose possession or use is restricted under the applicable local, state, and federal law including the Controlled Substances Act (21 U.S.C. 811 as amended), prescription medication and/or drug paraphernalia at school, on school property or at a school-sponsored event. *(\*Eligible for Alternative Discipline Agreement for 1st time offense only.)*
  
- **PURCHASE, POSSESSION OR DISTRIBUTION OF NON-CONTROLLED SUBSTANCES REPRESENTED AS CONTROLLED SUBSTANCE:** Purchase, possession, distribution, or attempts to purchase, possess or distribute a non-controlled substance upon the representation that the substance is a controlled substance.
  
- **ARSON:** The unlawful and intentional damage, or attempt to damage, a school building or its contents (including the personal property of others) through the use of fire or an incendiary device.
  
- **CRIMINAL DAMAGE TO PROPERTY WITH AGGRAVATED CIRCUMSTANCES:** The willful or malicious destruction or defacement of any property on school district grounds or in a school district building, which as a result causes significant cost, time and staff to repair/replace.

- **BURGLARY/AGGRAVATED BURGLARY:** Knowingly and without authority entering into or remaining within any Olathe Public Schools building, structure, or vehicle, in which there may or may not be a human being (aggravated burglary) with the intent to commit any felony, as described by law, or a theft.
- **KIDNAPPING:** The unlawful seizure, transportation, and/or detention of another against his/her will, or without parental consent.
- **SOLICITATION/SALE OF WEAPON:** The sale or purchase of an instrument or object designed or intended to inflict harm on other persons.

Each principal has the authority to use discretion and common sense in enforcing the *Code of Student Conduct*. The principal is authorized to apply a higher level of consequence for serious violations of the *Code* even if it is a student’s first offense.

**Class III offenses require notification to law enforcement if there is a determination of potential criminal conduct.**

**Students who are alleged to have committed a Class III offense, Possession, Use and/or Under the Influence, or related offenses, may be eligible for an Alternative Discipline Agreement.**

## ADMINISTRATIVE OPTIONS CLASS III OFFENSES

<p><b>ELEMENTARY:</b></p> <ul style="list-style-type: none"> <li>• In-School Suspension</li> <li>• Short-Term Out of School Suspension</li> <li>• Long-Term Out of School Suspension</li> </ul>	<p><b>HIGH SCHOOL:</b></p> <ul style="list-style-type: none"> <li>• In-School Suspension</li> <li>• Short-Term Out of School Suspension</li> <li>• Long-Term Out of School Suspension</li> <li>• Expulsion</li> </ul>
<p><b>MIDDLE SCHOOL:</b></p> <ul style="list-style-type: none"> <li>• In-School Suspension</li> <li>• Short-Term Out of School Suspension</li> <li>• Long-Term Out of School Suspension</li> <li>• Expulsion</li> </ul>	<p>(*indicates eligibility for an Alternative Discipline Agreement for a 1st time offense only – See ADA and Guidelines)</p>

## CLASS IV OFFENSES

- **POSSESSION AND/OR USE OF A FIREARM, WEAPON, OR DESTRUCTIVE DEVICE:** Any student who is determined to be in possession of a weapon at school, on school property, or at a school-supervised activity in violation of federal or state law, shall be expelled for a period of not less than one (1) year and will be referred to the appropriate legal authorities. The Superintendent, as the chief administrative officer of the District, may modify such expulsion but only in a manner which is consistent with the requirements of federal law.
  - o “Weapon” or “Destructive Device” includes:
    - (1) Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
    - (2) the frame or receiver of any weapon described in the preceding example;
    - (3) any firearm muffler or firearm silencer;
    - (4) any explosive, incendiary, or poison gas:
      - (A) bomb,
      - (B) grenade,
      - (C) rocket having a propellant charge of more than four ounces,
      - (D) missile having an explosive or incendiary charge of more than 1/4 ounce,
      - (E) mine, or
      - (F) similar device;
  - o (5) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2 inch in diameter;
  - o (6) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled;
  - o (7) any bludgeon, sandclub, metal knuckles or throwing star;
  - o (8) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
  - o (9) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.
  - o The term “weapon” does not include within its meaning:
    - (1) an antique firearm;
    - (2) an air gun;
    - (3) any device which is neither designed nor redesigned for use as a weapon;
    - (4) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device;

- (5) surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 or title 10 of the United States Code, or
- (6) class C common fireworks.

- **POSSESSION OF DRUGS WITH INTENT TO SELL OR DISTRIBUTE:** The possession of a controlled substance which by virtue of the quantity, packaging, or other circumstances demonstrates intent or effort to sell or distribute. Controlled substances are defined as any substance whose possession or use is restricted under the federal Controlled Substances Act (21 U.S.C. 811 as amended), including both prescription and non-prescription medications. The specific circumstances of each incident including but not limited to: Amount of money or controlled substances involved, number of transactions, age/number of students involved, disciplinary history, risks posed to other students and other relevant factors should be considered in determining the appropriate disciplinary consequence.

**Class IV offenses require notification to law enforcement**

## ADMINISTRATIVE OPTIONS CLASS IV OFFENSES

<p><b>ELEMENTARY:</b></p> <ul style="list-style-type: none"> <li>• Long-Term Out of School Suspension</li> <li>• Expulsion</li> </ul>	<p><b>HIGH SCHOOL:</b></p> <ul style="list-style-type: none"> <li>• Long-Term Out of School Suspension</li> <li>• Expulsion</li> </ul>
<p><b>MIDDLE SCHOOL:</b></p> <ul style="list-style-type: none"> <li>• Long-Term Out of School Suspension</li> <li>• Expulsion</li> </ul>	

## DEFINITION OF CONSEQUENCES FOR CLASS I-IV

1. **IN-SCHOOL CONFERENCE WITH STUDENT:** A private conference to include, but not limited to the student, teacher(s) and/or principal attempting to resolve unacceptable behavior.
2. **DETENTION:** A period of temporary custody beyond the length of the regular school day.
3. **EXTENDED SCHOOL TIME:** A period of temporary custody for a period of several hours, i.e. Friday evening or on Saturdays. Appropriate supervision, school assignments, and parental notification will be provided. Transportation is not provided.
4. **PARENT/GUARDIAN CONTACT:** Written notice, phone conference or meeting in person with school representative regarding student misbehavior.
5. **PARENT/TEACHER CONFERENCE:** A meeting between parent and teacher or other school representative.
6. **SUSPENSION OR FORFEITURE OF ACCESS TO ELECTRONIC DEVICES:** As stated in the Acceptable Use Guidelines, any student found responsible for misuse or inappropriate network or technology practices may have access privileged suspended for a specific period or terminated. This includes district computer access, Internet, or any technology applications, and also encompasses the misuse or unauthorized use of personal electronic devices.
7. **LOSS OF BUS PRIVILEGE:** Subject to the offense, students may lose bus transportation privilege for a specified amount of time according to guidelines developed by the district and transportation provider.

- 8. REVOCATION OF PARKING PRIVILEGE:** The cancellation of student vehicle parking privilege in school parking lots for a specified amount of time.
- 9. RESTRICTION OF ATTENDANCE AT SCHOOL SPONSORED ACTIVITIES:** Cancellation of student privilege to attend school sponsored activities for a specified amount of time.
- 10. INDIVIDUAL STUDENT BEHAVIOR SUPPORT PLAN:** A behavioral agreement between parties outlining positive supports, interventions, and, if appropriate, consequences.
- 11. LOSS OF ATHLETIC/ACTIVITY PRIVILEGE:** Cancellation of student privilege to participate in school sponsored athletics or activities for a specified amount of time.
- 12. RESTORATIVE JUSTICE:** An alternative to punitive consequences and/or suspension for inappropriate behavior, bringing together persons impacted and responsible, in a safe and respectful manner to promote dialogue, learning and accountability.
- 13. RESTITUTION:** An agreement between the student and school that the student will attempt to restore or replace damaged property, equipment or supplies to their original condition, or reimburse the Olathe Public Schools for the damaged/missing property.
- 14. IN-SCHOOL SUSPENSION (ISS):** The interruption of classroom attendance and regular school participation, by official directive from the building administrator or the designated representative. A designated, supervised, academically conducive but restrictive atmosphere will be substituted. Administrators will attempt to notify parents prior to placing a student in In-School Suspension.
- 15. SHORT-TERM OUT OF SCHOOL SUSPENSION:** The interruption of school attendance by official directive from any building administrator or the designated representative, for a period of time not to exceed 10 school days. Notification will be provided to parent before initiation. Students may not participate in extra-curricular activities during suspension. Students may not return to any school property during their short-term suspension without prior arrangements and explicit approval provided by a building administrator.
- 16. LONG-TERM OUT OF SCHOOL SUSPENSION:** The exclusion from school for a period of up to 90 school days. A Long-Term Out of School Suspension begins with a Short-Term Out of School Suspension (see #15). Parental notification is given at the time of the Short-Term Out of School Suspension. Students may not participate in extra-curricular activities during suspension. Students may not return to school property during their Long-Term Out of School Suspension without prior arrangements and explicit approval provided by any building administrator.



**17. EXPULSION:** The exclusion from school for a period of 91 days or more up to a maximum of 186 days and begins with a Short-Term Out of School Suspension (see #15). Parental notification is given at the time of Short-Term Out of School Suspension. Students may not participate in extra-curricular activities during expulsion. Students may not return to school property during their expulsion period without prior arrangements made by phone and explicit approval provided by any building administrator.

**18. COMMUNITY SERVICE:** An agreement between the student and the school administration for a pre-determined number of hours of activity that the student will perform outside of the typical school day that will be of benefit to the school or school community.

## **CORPORAL PUNISHMENT**

No Olathe Public Schools staff member shall use physical force or physical contact against a student or strike a student as punishment for a violation of the *Code of Student Conduct*. Nothing in this policy shall be construed, however, to impair a staff member from using reasonable and necessary physical force to restrain a student in order to protect one's self, other persons, to prevent the destruction of property, or to prevent any illegal overt act on the part of the student.

## **STUDENT RIGHTS IF CONTACTED BY LAW ENFORCEMENT:**

Students may be contacted by law enforcement officers including School Resource Officers (SRO's) while at school, or attending a school function, for a variety of reasons. If the contact is for the purpose of interviewing the student as a participant or suspect in a criminal act the student has the following rights:

The right to:

- Be treated with respect and dignity
- Be aware of what they are being accused of and any evidence supporting the accusation
- Not answer any questions or make any statements
- Request to speak with a parent/guardian before questioning
- Request a parent/guardian be present during questioning
- Request a member of the school be present during questioning

## **SUSPENSION OF DRIVERS LICENSE**

Under Kansas law, whenever a pupil who has attained the age of 13 years has been found in possession of a weapon or illegal drug at school, upon school property, or at a school-supervised activity, which resulted in or was substantially likely to have resulted in, serious bodily injury to others, the chief administrative officer of the school shall make an immediate report of the pupil's act to the appropriate law enforcement agency, provided providing that report would not violated the terms of a memorandum of understanding approved by the superintendent, as provided under Kansas law.

Upon receipt of the report, the law enforcement agency shall investigate the matter and give written notice to the division of vehicles of the department of revenue of the act committed by the pupil. The notice shall be given to the division of vehicles by the law enforcement agency within three days, excluding holidays and weekends, after receipt of the report and shall include the pupil's name, address, date of birth, driver's license number, if available, and a description of the act committed by the pupil.

Upon receipt of the notice, the division of vehicles shall suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension shall be for a period of one (1) year. Upon expiration of the period of suspension, the pupil may apply to the division for return of the license. If the license has expired, the pupil may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the pupil's privilege to operate a motor vehicle is in effect. If the pupil does not have a driver's license, the pupil's driving privileges shall be revoked.

No Kansas driver's license shall be issued to a pupil whose driving privileges have been revoked pursuant to this subsection for a period of one year.

## **SECTION II: ADDITIONAL INFORMATION - SELECTED KANSAS STATUTES AND PARENT INFORMATION**

### **KANSAS STATUTES ANNOTATED CHAPTER 72-6114 THRU 72-6144 AS AMENDED BY THE LEGISLATURE**

#### **Article 61 – Student Safety and Discipline**

##### **72-6114. Grounds for suspension or expulsion; who may suspend or expel.**

The board of education of any school district may suspend or expel, or by regulation authorize any certificated employee or committee of certificated employees to suspend or expel, any pupil guilty of any of the following:

- (a) Willful violation of any published regulation for student conduct adopted or approved by the board of education;
- (b) conduct which substantially disrupts, impedes or interferes with the operation of any public school;
- (c) conduct which endangers the safety of others or which substantially impinges upon or invades the rights of others at school, on school property, or at a school supervised activity;
- (d) conduct which, if the pupil is an adult, constitutes the commission of a felony or, if the pupil is a juvenile, would constitute the commission of a felony if committed by an adult;
- (e) conduct at school, on school property, or at a school supervised activity which, if the pupil is an adult, constitutes the commission of a misdemeanor or, if the pupil is a juvenile, would constitute the commission of a misdemeanor if committed by an adult; or
- (f) disobedience of an order of a teacher, peace officer, school security officer or other school authority when such disobedience can reasonably be anticipated to result in disorder, disruption or interference with the operation of any public school or substantial and material impingement upon or invasion of the rights of others.

##### **72-6115. Duration of suspension or expulsion; notice; hearings, opportunity afforded, waiver, time, who may conduct.**

- (a) A suspension may be for a short term not exceeding 10 school days, or for an extended term not exceeding 90 school days. An expulsion may be for a term not exceeding 186 school days. If a suspension or expulsion is for a term exceeding the number of school days remaining in the school year, any remaining part of the term of the suspension or expulsion may be applied to the succeeding school year.
- (b) (1) Except as authorized in provision (2), no suspension for a short term shall be imposed upon a pupil without giving the pupil notice of the charges and affording the pupil an opportunity for a hearing thereon. The notice may be oral or written and the hearing may be held immediately after the notice is given. The hearing may be conducted informally but shall include the following procedural due process requirements: (A) The right of the pupil to be present at the hearing; (B) the right of the pupil to be informed of the charges;

(C) the right of the pupil to be informed of the basis for the accusation; and (D) the right of the pupil to make statements in defense or mitigation of the charges or accusations. Refusal of a pupil to be present at the hearing will constitute a waiver of the pupil's opportunity for a hearing.

- (2) A short-term suspension may be imposed upon a pupil forthwith, and without affording the pupil a hearing if the presence of the pupil endangers other persons or property or substantially disrupts, impedes or interferes with the operation of the school.
- (c) A written notice of any short-term suspension and the reason therefor shall be given to the pupil involved and to the pupil's parent or guardian within 24 hours after the suspension has been imposed and, in the event the pupil has not been afforded a hearing prior to any short-term suspension, an opportunity for an informal hearing shall be afforded the pupil as soon thereafter as practicable but in no event later than 72 hours after such short-term suspension has been imposed. Any notice of the imposition of a short-term suspension that provides an opportunity for an informal hearing after such suspension has been imposed shall state that failure of the pupil to attend the hearing will result in a waiver of the pupil's opportunity for the hearing.
- (d) No suspension for an extended term and no expulsion shall be imposed upon a pupil until an opportunity for a formal hearing thereon is afforded the pupil. A written notice of any proposal to suspend for an extended term or to expel from school, and the charges upon which the proposal is based shall be given to the pupil proposed to be suspended or expelled from school, and to the pupil's parent or guardian. Any notice of a proposal to suspend for an extended term or to expel from school shall state the time, date and place that the pupil will be afforded an opportunity for a formal hearing, and that failure of the pupil and the pupil's parent or guardian to attend the hearing will result in a waiver of the pupil's opportunity for the hearing. The hearing shall be held not later than 10 days after the date of the notice. The notice shall be accompanied by a copy of this act and the regulations of the board of education adopted under K.S.A. 72-6116, and amendments thereto.
- (e) Whenever any written notice is required under this act to be given to a pupil or to a pupil's parent or guardian, it shall be sufficient if the notice is mailed to the address on file in the school records of the pupil. In lieu of mailing the written notice, the notice may be personally delivered.
- (f) A formal hearing on a suspension or expulsion may be conducted by any person or committee of persons authorized by the board of education to conduct the hearing.

**72-6116. Procedural due process requirements; record of appeal, costs; report of findings and result of hearing; information regarding behavior improvement programs.**

- (a) The formal hearing provided for in K.S.A. 72-6115, and amendments thereto, shall be conducted in accordance with regulations relating thereto adopted by the board of education. Such regulations shall afford procedural due process including, but not limited to, the following:
  - (1) the right of the pupil to have counsel of the pupil's own choice present and to receive the advice of such counsel or other person whom the pupil may select;
  - (2) the right of the parents or guardians of the pupil to be present at the hearing;
  - (3) the right of the pupil and the pupil's counsel or advisor to hear or read a full report of testimony of witnesses against the pupil;

- (4) the right of the pupil and the pupil's counsel to confront and cross-examine witnesses who appear in person at the hearing, either voluntarily or as a result of the issuance of a subpoena;
  - (5) the right of the pupil to present the pupil's own witnesses in person or their testimony by affidavit;
  - (6) the right of the pupil to testify in the pupil's own behalf and give reasons for the pupil's conduct;
  - (7) the right of the pupil to have an orderly hearing; and
  - (8) the right of the pupil to a fair and impartial decision based on substantial evidence.
- (b) In all extended-term suspension and expulsion from school cases, there shall be made a record of the hearing of an appeal of the suspension or expulsion, whichever is applicable, by mechanical or electronic recording or by an official court reporter, and the costs thereof shall be paid by the school district.
- (c) At the conclusion of a formal hearing which results in a suspension for an extended term or an expulsion, the person or committee conducting the hearing shall make a written report of the findings and results of the hearing. The report shall be directed to the board of education of the school district and shall be open to the inspection of the pupil who is suspended or expelled and, if the pupil is a juvenile, to the parents or guardians and counsel or other advisor of the pupil. If the pupil is an adult, the report shall be open to the inspection of the parents or guardians and counsel or other advisor of the pupil only upon written consent of the pupil. Whenever a formal hearing results in suspension for an extended term or expulsion, the person or committee conducting the hearing may make a finding that return to school by the pupil, pending appeal or during the period allowed for notice of appeal, is not reasonably anticipated to endanger the safety of others, to cause continuing repeated material disorder, disruption or interference with the operation of school, or to substantially or materially impinge upon or invade the rights of others, in which case the pupil may return to school until the period for filing a notice of appeal has expired with no notice filed, or until the determination of any appeal if a notice of appeal is filed. Whenever the person or committee conducting a hearing fails to make the findings specified above, the report of the hearing shall provide that the suspension or expulsion of the pupil shall continue until appeal therefrom is determined or until the period of suspension or expulsion has expired, whichever occurs sooner. Any such pupil shall be provided with information concerning services or programs offered by public and private agencies that work toward improving those aspects of the pupil's attitudes and behavior that contributed to the conduct upon which the suspension or expulsion was based. If the pupil is a juvenile, the information shall also be provided to the parents or guardians of the pupil.

**72-6117. Notice of hearing results; appeal to board of education; hearing officers; procedure.**

- (a) Written notice of the result of any hearing imposing an extended-term suspension or an expulsion from school shall be given to the pupil suspended or expelled from school, and to the parents or guardians of the pupil within 24 hours after determination of such result.
- (b) Any pupil age 18 or older, who has been suspended for an extended term or expelled, or one of the pupil's parents or guardians of a pupil under age 18, may appeal such suspension or expulsion to the board of education of the school district by filing a written

notice of appeal with the clerk of the board of education not later than 10 calendar days after receiving the written notice. Any such appeal shall be heard by the board of education, or by a hearing officer appointed by such board, not later than 20 calendar days after such notice of appeal is filed. The pupil and the pupil's parents or guardians shall be notified in writing of the time and place of the appeal hearing at least five days prior thereto. Such appeal shall be conducted under rules which are consonant with K.S.A. 72-6116, and amendments thereto. Except as provided by subsection (c), the decision on any such appeal shall be rendered not later than five days after the conclusion of the appeal hearing.

- (c) For the purpose of hearing an appeal of an extended-term suspension or an expulsion, the board of education may appoint one or more hearing officers. Any such hearing officer shall be a member of the board of education, a certificated employee of the school district, or an attorney admitted to the practice of law in this state. Any such appointment shall apply to a particular hearing or to a set or class of hearings as specified by the board of education in making the appointment. Whenever a hearing officer appointed under authority of this section hears any appeal, the hearing officer shall prepare a written report thereon to the board of education. After receiving any such report, the board of education shall determine the matter with or without additional hearing. If a hearing officer is appointed to hear an appeal, the board shall render its decision not later than the next regularly-scheduled meeting of the board following the date of the conclusion of the hearing of the appeal by the hearing officer. Any matter determined by the board of education in accordance with this subsection shall be valid to the same extent as if the matter were fully heard by the board of education without a hearing officer.

**72-6118. Nonapplication of compulsory attendance law.**

The provisions of K.S.A. 72-3120, and amendments thereto, shall not apply to any pupil while subject to suspension or expulsion from school pursuant to the provisions of this act.

**72-6119. Powers and duties of persons conducting hearings.**

- (a) Any person, hearing officer or any member of a committee or the board of education conducting a hearing under this act may:
- (1) administer oaths for the purpose of taking testimony;
  - (2) call and examine witnesses and receive documentary and other evidence; and
  - (3) take any other action necessary to make the hearing accord with procedural due process.
- (b) Any hearing officer, any member of a committee or the board of education holding a formal hearing or an appeal hearing under this act may and, upon the request of any pupil for whom any such hearing is held or upon the request of the pupil's parents or guardians or counsel, shall petition the chief judge of the judicial district in which the school district is located requesting that the clerk of the district court be authorized to issue subpoenas for the attendance and testimony of the principal witness or witnesses and the production of books, records, reports, papers and documents relating to the proposed suspension or expulsion from school in the same manner as provided for the issuance of subpoenas in civil actions pursuant to K.S.A. 60-245, and amendments thereto.

**72-6120. Refusal to admit suspended or expelled pupil authorized.** A pupil who has been suspended or expelled from school by any school district may be refused admission to school in

any other school district, regardless of residency, until such time as the period of suspension or expulsion has expired.

### **72-6121. Definitions.**

As used in this act:

- (a) “Juvenile” means a person who is less than 18 years of age;
- (b) “adult” means a person who is 18 years of age or older;
- (c) “felony” means any crime designated a felony by the laws of Kansas or the United States;
- (d) “misdemeanor” means any crime designated a misdemeanor by the laws of Kansas or the United States;
- (e) “school day” means any day on which school is maintained;
- (f) “school year” has the meaning ascribed thereto in K.S.A. 2016 Supp. 72-6464, and amendments thereto;
- (g) “counsel” means any person a pupil selects to represent and advise the pupil at all proceedings conducted pursuant to the provisions of this act; and
- (h) “principal witness” means any witness whose testimony is of major importance in support of the charges upon which a proposed suspension or expulsion from school is based, or in determination of material questions of fact.

### **72-6131. Definitions.**

As used in this act:

- (a) “Board of education” means the board of education of a unified school district or the governing authority of an accredited nonpublic school.
- (b) “School” means a public school or an accredited nonpublic school.
- (c) “Public school” means a school operated by a unified school district organized under the laws of this state.
- (d) “Accredited nonpublic school” means a nonpublic school participating in the quality performance accreditation system.
- (e) “Chief administrative officer of a school” means, in the case of a public school, the superintendent of schools and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.
- (f) “Federal law” means the individuals with disabilities education act, section 504 of the rehabilitation act, the gun-free schools act of 1994, and regulations adopted pursuant to such acts.
- (g) “Secretary of education” means the secretary of the United States department of education.
- (h) (1) “Weapon” means: (A) Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any weapon described in the preceding example; (C) any firearm muffler or firearm silencer; (D) any explosive, incendiary, or poison gas: (i) Bomb; (ii) grenade; (iii) rocket having a propellant charge of more than four ounces; (iv) missile having an explosive or incendiary charge of more than  $\frac{1}{4}$  ounce; (v) mine; or (vi) similar device; (E) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than  $\frac{1}{2}$  inch in diameter; (F) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (G) any bludgeon, sandclub, metal knuckles

or throwing star; (H) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; or (I) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.

(2) The term “weapon” does not include within its meaning: (A) An antique firearm; (B) an air gun; (C) any device which is neither designed nor redesigned for use as a weapon; (D) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device; (E) surplus ordinance sold, loaned or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685 or 4686 of title 10 of the United States Code; or (F) class C common fireworks.

- (i) “Air gun” means any device which will or is designed to or may be readily converted to, expel a projectile by the release of compressed air or gas, and which is of 0.18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second.
- (j) “Organization” means any profit or nonprofit association, whether school-sponsored or community-based, whose primary purpose is to provide youth development by engaging individuals under the age of 18 in activities designed to promote and encourage self-confidence, teamwork and a sense of community.

**72-6132. Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable.**

- (a) Notwithstanding the provisions of subsection (a) of K.S.A. 72-6115, and amendments thereto, and subject to the other provisions of this section, each board of education in this state shall adopt a written policy requiring the expulsion from school for a period of not less than one year any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity. The policy shall be filed with the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.
- (b) To the extent that the provisions contained in article 61 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, do not conflict with the requirements of this act, such provisions shall apply to and be incorporated in the policy required to be adopted under subsection (a).
- (c) If a pupil required to be expelled pursuant to a policy adopted under subsection (a) is confined in the custody of the secretary for children and families, the commissioner of juvenile justice or the secretary of corrections as a result of the violation upon which the expulsion is to be based, the hearing required under the provisions of article 61 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, shall be delayed until the pupil is released from custody.
- (d) A hearing afforded a pupil required to be expelled pursuant to a policy adopted under subsection (a) shall be conducted by the chief administrative officer or other certificated employee of the school in which the pupil is enrolled, by any committee of certificated employees of the school in which the pupil is enrolled, or by a hearing officer appointed by the board of education of the school in which the pupil is enrolled.



- (e) The chief administrative officer of the school in which a pupil required to be expelled pursuant to a policy adopted under subsection (a) is enrolled may modify the expulsion requirement in a manner which is consistent with the requirements of federal law. Nothing in this subsection shall be applied or construed in any manner so as to require the chief administrative officer of a school to modify the expulsion requirement of a policy adopted by a board of education pursuant to the provisions of subsection (a).
- (f) The policy adopted by a board of education under subsection (a) shall contain a procedure for the referral of any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity to the appropriate state and local law enforcement agencies and, if the pupil is a juvenile, to the secretary for children and families or the commissioner of juvenile justice.
- (g) Each board of education shall prepare an annual report on a form prescribed and furnished by the state board of education that contains a description of the circumstances surrounding any expulsions imposed on pupils pursuant to a policy adopted under subsection (a), including the name of the school or schools concerned, the number of pupils expelled, and the type of weapons concerned. The report shall be submitted to the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.
- (h) The provisions of this section do not apply to the possession by pupils of weapons at school, on school property, or at a school supervised activity if the possession of weapons by pupils is connected with a weapons safety course of instruction or a weapons education course approved and authorized by the school or if the possession of weapons by pupils is specifically authorized in writing by the chief administrative officer of the school.

**72-6134. Use of air guns; certain policies prohibited**

- (a) No school district shall adopt a policy that prohibits an organization from conducting activities on school property solely because such activities include the possession and use of air guns by the participants. Any policy adopted pursuant to K.S.A. 72-6132, and amendments thereto, shall not prohibit the possession of an air gun by a pupil on school property if such pupil is a participant in the activities of an organization.
- (b) A policy adopted pursuant to K.S.A. 72-6132, and amendments thereto, may prohibit the possession of air guns by pupils at school, on school property or at a school supervised activity, except when a pupil is participating in activities conducted by an organization, or is in transit to or from such activities.
- (c) Any individual desiring to participate in activities conducted by an organization may be required to sign, or have a parent or legal guardian sign, a liability waiver. The liability waiver shall be in such form as prescribed by the chief administrative officer of the school and shall contain the appropriate language so as to relieve the school district, the school and all school personnel from liability for any claims arising out of the acts or omissions of any individual or any school personnel relating to activities conducted by an organization.
- (d) The provisions of this section shall be a part of and supplemental to K.S.A. 72-6132 et seq., and amendments thereto.

**72-6135. Definitions**

As used in K.S.A. 72-6135 and 72-6136, and amendments thereto:

- (a) "Board of education" means the board of education of a unified school district or the

- governing authority of an accredited nonpublic school.
- (b) “School” means a public school or an accredited nonpublic school.
  - (c) “Public school” means a school operated by a unified school district organized under the laws of this state.
  - (d) “Accredited nonpublic school” means a nonpublic school participating in the quality performance accreditation system.
  - (e) “Chief administrative officer of a school” means, in the case of a public school, the superintendent of schools or a designee of the superintendent and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.
  - (f) “Weapon” means (1) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any weapon described in the preceding example; (3) any firearm muffler or firearm silencer; (4) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar device; (5) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than ½ inch in diameter; (6) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star; (8) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; (9) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun. The term “weapon” does not include within its meaning (1) an antique firearm; (2) any device which is neither designed nor redesigned for use as a weapon; (3) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C common fireworks.
  - (g) “Controlled substance” has the meaning ascribed thereto in K.S.A. 21-5701, and amendments thereto.
  - (h) “Illegal drug” means a controlled substance but does not include a controlled substance that is legally possessed, used under the supervision of a licensed health-care professional or used under authority of any federal or state law.
  - (i) “Possession of a weapon or illegal drug” means knowingly having direct physical control over a weapon or illegal drug or knowingly having the power and the intention at a given time to exercise dominion or control over a weapon or illegal drug.
  - (j) “Law enforcement agency” means the police department of a city if the school safety violation occurs within the corporate limits of a city or the office of the county sheriff if the school safety violation occurs outside the corporate limits of a city.
  - (k) “Division” means the division of motor vehicles of the Kansas department of revenue.

**72-6136. Suspension or revocation of driver's license or privilege upon certain school safety violations; procedure**

- (a) Whenever a pupil who has attained the age of 13 years has been found in possession of a weapon or illegal drug at school, upon school property or at a school-supervised activity or has engaged in an act or behavior, committed at school, upon school property, or at a school-supervised activity which resulted in, or was substantially likely to have resulted in, serious bodily injury to others, the chief administrative officer of the school shall make a report of the pupil's act to the appropriate law enforcement agency, provided that the report would not violate the terms of the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 72-6143(i), and amendments thereto. The report shall be given as soon as practicable, but not to exceed 10 days from the date of the pupil's act, excluding holidays and weekends, to the appropriate law enforcement agency. Upon receipt of the report, the law enforcement agency shall investigate the matter and give written notice to the division of the act committed by the pupil. The notice shall be given to the division of vehicles by the law enforcement agency as soon as practicable but not to exceed 10 days, excluding holidays and weekends, after receipt of the report and shall include the pupil's name, address, date of birth, driver's license number, if available, and a description of the act committed by the pupil. A copy of the notice also shall be given to the pupil and to the parent or guardian of the pupil.
- (b) If timely notice is not given to the appropriate law enforcement agency or to the division as specified in subsection (a), the division of vehicles shall not suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state.
- (c) If timely notice is given to the appropriate law enforcement agency and the division as specified in subsection (a), the division of vehicles immediately shall suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension shall be for a period of one year. Upon expiration of the period of suspension, the pupil may apply to the division for return of the license. If the license has expired, the pupil may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the pupil's privilege to operate a motor vehicle is in effect. If the pupil does not have a driver's license, the pupil's driving privileges shall be revoked. If timely notice is given to the appropriate law enforcement agency and the division as required by subsection (a), no Kansas driver's license shall be issued to a pupil whose driving privileges have been revoked pursuant to this subsection for a period of one year:
- (1) Immediately following the date of receipt by the division of notification from a law enforcement agency containing the description of the pupil's act, if the pupil is eligible to apply for a driver's license; or
  - (2) after the date the pupil will be eligible to apply for a driver's license, if the pupil is not eligible to apply for a driver's license on the date of receipt of the notification.
- (d) If the pupil's driver's license or driving privilege has been revoked, suspended or canceled for another cause, the suspension or revocation required by this section shall apply consecutively to the previous revocation, suspension or cancellation.
- (e) Upon suspension or revocation of a pupil's driver's license or driving privilege to operate a motor vehicle as provided in this section, the division of vehicles shall immediately notify the pupil in writing. If the pupil makes a written request for hearing within 30 days after

such notice of suspension or revocation, the division of vehicles shall afford the pupil an opportunity for a hearing as provided by K.S.A. 8-255, and amendments thereto. The scope of the hearing shall be limited to determination of whether or not: (1) Notice was given to the appropriate law enforcement agency and the division within the time specified in subsection (a); or (2) there are reasonable grounds to believe the pupil was in possession of a weapon or illegal drug at school, upon school property, or at a school-supervised activity or was engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others.

- (f) For the purposes of this section, the term driver's license includes, in addition to any commercial driver's license and any class A, B, C or M driver's license, any restricted license issued under K.S.A. 8-237, and amendments thereto, any instruction permit issued under K.S.A. 8-239, and amendments thereto, and any farm permit issued under K.S.A. 8-296, and amendments thereto.

## **The Kansas School Safety and Security Act**

### **72-6141. Citation of act.**

This act shall be known and may be cited as the Kansas school safety and security act.

### **72-6142. Definitions.**

As used in this act:

- (a) "Board of education" means the board of education of a unified school district or the governing authority of an accredited nonpublic school.
- (b) "School" means a public school or an accredited nonpublic school.
- (c) "Public school" means a school operated by a unified school district organized under the laws of this state.
- (d) "Accredited nonpublic school" means a nonpublic school participating in the quality performance accreditation system.
- (e) "School employee" means any administrative, professional or paraprofessional employee of a school district.
- (f) "Superintendent of schools" means the superintendent of schools appointed by the board of education of a unified school district or the chief administrative officer of an accredited nonpublic school appointed by the board of education of the school district.

### **72-6143. Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, memorandum of understanding; availability; civil liability, immunity.**

- (a) If a school employee has information that a pupil is a pupil to whom the provisions of this subsection apply, the school employee shall report such information and identify the pupil to the superintendent of schools. The superintendent of schools shall investigate the matter and, upon determining that the identified pupil is a pupil to whom the provisions of this subsection apply, shall provide the reported information and identify the pupil to all school employees who are directly involved or likely to be directly involved in teaching or providing other school related services to the pupil. The provisions of this subsection apply to:

- (1) Any pupil who has been expelled for the reason provided by K.S.A. 72-6114(c), and amendments thereto, for conduct which endangers the safety of others;
- (2) any pupil who has been expelled for the reason provided by K.S.A. 72-6114(d), and amendments thereto;
- (3) any pupil who has been expelled under a policy adopted pursuant to K.S.A. 72-6132, and amendments thereto;
- (4) any pupil who has been adjudged to be a juvenile offender and whose offense, if committed by an adult, would constitute a felony under the laws of Kansas or the state where the offense was committed, except any pupil adjudicated as a juvenile offender for a felony theft offense involving no direct threat to human life; and
- (5) any pupil who has been tried and convicted as an adult of any felony, except any pupil convicted of a felony theft crime involving no direct threat to human life.

A school employee and the superintendent of schools shall not be required to report information concerning a pupil specified in this subsection if the expulsion, adjudication as a juvenile offender or conviction of a felony occurred more than 365 days prior to the school employee's report to the superintendent of schools.

- (b) Each board of education shall adopt a policy that includes:
  - (1) A requirement that an immediate report be made to the appropriate state or local law enforcement agency by or on behalf of any school employee who knows or has reason to believe that an act has been committed at school, on school property, or at a school supervised activity and that the act involved conduct which constitutes the commission of a felony or misdemeanor or which involves the possession, use or disposal of explosives, firearms or other weapons, provided that the report would not violate the terms of the memorandum of understanding approved by the school employee's school district pursuant to subsection (i); and
  - (2) the procedures for making such a report.
- (c) School employees shall not be subject to the provisions of K.S.A. 72-6144(b), and amendments thereto, if:
  - (1) They follow the procedures from a policy adopted pursuant to the provisions of subsection (b); or
  - (2) their board of education fails to adopt such policy.
- (d) Each board of education shall annually compile and report to the state board of education at least the following information relating to school safety and security: The types and frequency of criminal acts that are required to be reported pursuant to the provisions of subsection (b), arrests and referrals to law enforcement or juvenile intake and assessment services made in connection to the criminal act, disaggregated by occurrences at school, on school property and at school supervised activities. The data must include an analysis according to race, gender and any other relevant demographic information. The report shall be incorporated into and become part of the current report required under the quality performance accreditation system.
- (e) Each board of education shall make available to pupils and their parents, to school employees and, upon request, to others, district policies and reports concerning school safety and security, except that the provisions of this subsection shall not apply to reports made by a superintendent of schools and school employees pursuant to subsection (a).
- (f) Nothing in this section shall be construed or operate in any manner so as to prevent any school employee from reporting criminal acts to school officials and to appropriate state and

- local law enforcement agencies.
- (g) The state board of education shall extract the information relating to school safety and security from the quality performance accreditation report and transmit the information to the governor, the legislature, the attorney general, the secretary of health and environment, the secretary for children and families and the commissioner of juvenile justice.
  - (h) No board of education, member of any such board, superintendent of schools or school employee shall be liable for damages in a civil action resulting from a person's good faith acts or omissions in complying with the requirements or provisions of the Kansas school safety and security act.
  - (i) The state board of education shall require that the superintendent of schools in each school district or the superintendent's designee develop, approve and submit to the state board of education a memorandum of understanding developed in collaboration with relevant stakeholders, including law enforcement agencies, the courts and the district and county attorneys, establishing clear guidelines for how and when school-based behaviors are referred to law enforcement or the juvenile justice system with the goal of reducing such referrals and protecting public safety. The state board of education shall provide a report annually to the department of corrections and to the office of judicial administration compiling school district compliance and summarizing the content of each memorandum of understanding.

**72-6144. Penalties for failure to make reports, preventing or interfering with reports; sanctions for making reports prohibited; immunity from liability.**

- a) Willful and knowing failure of a school employee to make a report required by subsection (b) (1) of K.S.A. 72-6143, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the making of a report required by subsection (b) (1) of K.S.A. 72-6143, and amendments thereto, is a class B nonperson misdemeanor.
- b) Willful and knowing failure of any employee designated by a board of education to transmit reports made by school employees to the appropriate state or local law enforcement agency as required by subsection (b) (1) of K.S.A. 72-6143, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the transmission of reports required by subsection (b)(1) of K.S.A. 72-6143, and amendments thereto, is a class B nonperson misdemeanor.
- c) No board of education shall terminate the employment of, or prevent or impair the profession of, or impose any other sanction on any school employee because the employee made an oral or written report to, or cooperated with an investigation by, a law enforcement agency relating to any criminal act that the employee knows has been committed or reasonably believes will be committed at school, on school property, or at a school supervised activity.
- d) Any board of education, and any member or employee thereof, participating without malice in the making of an oral or written report to a law enforcement agency relating to any criminal act that is known to have been committed or reasonably is believed will be committed at school, on school property, or at a school supervised activity shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from the report.

# INTRODUCTION TO SAFE AND DRUG-FREE SCHOOLS

In the Olathe Public Schools, we are committed to providing “a safe environment where all students acquire skills, knowledge, abilities, and behaviors necessary to be productive citizens in an ever-changing world.” This mission statement of the district speaks to the importance of a safe and drug-free learning environment. Research indicates that parents, grandparents, elders, foster-parents, teachers, youth leaders, coaches, church leaders and others play a major role in keeping young people from using alcohol, tobacco, and other illicit drugs. The following pages contain a parent guide to warning signs and symptoms of drug use and a community resource guide.

The Safe and Drug - Free Schools Program supports many exciting components designed to promote a healthy drug-free life style for youth of our community. Clear no-use standards as well as healthy no-use beliefs regarding alcohol, tobacco and other drugs are critical to maximize learning for all students. Our efforts focus on school, student, parent and community initiatives, including prevention, intervention and positive youth development programming. We believe these multi-faceted strategies seek to promote and insure a safe and drug-free school environment in Olathe.

For further information, please contact the District’s facilitator of the Safe and Drug-Free Schools programs.

## SIGNS AND SYMPTOMS OF TEEN DRINKING AND DRUG USE

It is difficult because changes in mood or attitudes, unusual temper outbursts, changes in sleeping habits and changes in hobbies or other interests are common in teens. However, watch for the following warning signs:

- Changes in friends.
- Negative changes in schoolwork, missing school, or declining grades.
- Increased secrecy about possessions or activities.
- Use of incense, room deodorant, or perfume to hide smoke or chemical odors.
- Subtle changes in conversations with friends, e.g. more secretive, using “coded” language.
- Change in clothing choices: new fascination with clothes that highlight drug use.
- Increase in borrowing money.
- Evidence of drug paraphernalia such as pipes, rolling papers, etc.
- Evidence of use of inhalant products (such as hairspray, nail polish, correction fluid, common household products); Rags and paper bags are sometimes used as accessories.
- Bottles of eye drops, which may be used to mask bloodshot eyes or dilated pupils.
- New use of mouthwash or breath mints to cover up the smell of alcohol.
- Missing prescription drugs—especially narcotics and mood stabilizers.
- Signs of depression, withdrawal, carelessness with grooming or hostility. Parents are the most important influence in a teen’s decision about drug or alcohol use. **You CAN and DO make a difference!**

## CONTACTS:

You may suspect or know that your child is using drugs. If so, act NOW. Additional information is also available at the District’s website at [www.olatheschools.org](http://www.olatheschools.org), and then click on Parent Resources and Safe and Drug Free Schools.



## Emergency Safety Interventions (ESI) BOARD POLICIES GAAF AND GCAF:

The Board of Education is committed to limiting the use of Emergency Safety Interventions (ESI), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only when a student's conduct necessitates the use of an emergency safety intervention as defined below. The Board of Education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques, and positive behavioral intervention strategies. This policy is made available on the District's website with links to the policy available on individual school homepages. In addition, this policy shall be included in at least one of the following: each school's code of conduct, school safety plan, or student handbook. Notice of the online availability of this policy shall be provided to parents during enrollment each year.

### Definitions

- "Area of purposeful isolation" means any separate space, regardless of any other use of that space, other than an open hallway or similarly open environment.
- "Campus police officer" means a school security officer designated by the Board of Education of any school district pursuant to KSA 72-6146, and amendments thereto.
- "Chemical Restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.
- "Emergency Safety Intervention" is the use of seclusion or physical restraint but does not include physical escort or the use of time-out.
- "Incident" means each occurrence of the use of an emergency safety intervention.
- "Law enforcement officer" and "police officer" mean a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.
- "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.
- "Mechanical Restraint" means any device or object used to limit a student's movement.
- "Parent" means: (1) a natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in KSA 72-3122(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.
- "Physical Escort" means the temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.
- "Physical Restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.
- "Purposefully isolate" when used regarding a student, means that the school personnel are not meaningfully engaging with the student to provide instruction and any one of the following occurs:



1. Removal of the student from the learning environment by school personnel;
  2. Separation of the student from all or most peers and adults in the learning environment by school personnel; or
  3. Placement of the student within an area of purposeful isolation by school personnel.
- “School resource officer” means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.
  - “School security officer” means a person who is employed by a Board of Education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.
  - “Seclusion” means placement of a student for any reason other than for in-school suspension, detention, or any other appropriate disciplinary measure in a location where both of the following conditions are met:
    - o School personnel purposefully isolate the student, and
    - o the student is prevented from leaving or has reason to believe that the student will be prevented from leaving the area of purposeful isolation.
  - “Time-out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded.

### **Prohibited Types of Restraint**

All staff members are prohibited from engaging in the following actions with all students:

- Using face-down (prone) physical restraint;
- Using face-up (supine) physical restraint;
- Using physical restraint that obstructs the student’s airway;
- Using physical restraint that impacts a student’s primary mode of communication;
- Using chemical restraint, except as prescribed treatments for a student’s medical or psychiatric condition by a person appropriately licensed to issue such treatments; and
- Use of mechanical restraint, except:
  - o Protective or stabilizing devices required by law or used in accordance with an order from a person appropriately licensed to issue the order for the device;
  - o Any device used by a certified law enforcement officer to carry out law enforcement duties; or
  - o Seatbelts and other safety equipment when used to secure students during transportation.

### **Use of Emergency Safety Interventions**

ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to affect physical harm. Less restrictive alternatives to ESI, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student’s behavior prior to the use of any ESI. The use of ESI shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an ESI. Use of an ESI for purposes of discipline, punishment, or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

### **ESI Restrictions**

A student shall not be subjected to ESI if the student is known to have a medical condition that could put the student in mental or physical danger as a result of ESI. The existence of such medical condition shall be indicated in a written statement from the student's licensed health care provider, a copy of which has been provided to the school and placed in the student's file.

Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why ESI would put the student in mental or physical danger, and any suggested alternatives to ESI. In spite of the provisions of this subsection, a student may be subjected to ESI, if not subjecting the student to ESI would result in significant physical harm to the student or others.

### **Use of Seclusion**

When a student is placed in seclusion, a school employee shall see and hear the student at all times. The presence of another person in the area of purposeful isolation or observing the student from outside the area of purposeful isolation shall not create an exemption from otherwise reporting the incident as seclusion. When a student is placed in or otherwise directed to an area of purposeful isolation, the student shall have reason to believe that the student is prevented from leaving.

If the area of purposeful isolation is equipped with a locking door designed to prevent a student from leaving the area of purposeful isolation, the door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the area of purposeful seclusion, or in case of emergency, such as fire or severe weather.

An area of purposeful isolation shall be a safe place with proportional and similar characteristics as those of rooms where students frequent. Such area shall be free of any condition that could be a danger to the student, well-ventilated, and sufficiently lighted.

### **Training**

All staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques, and prevention techniques. Such training shall be consistent with nationally recognized training programs on ESI. The intensity of the training provided will depend upon the employee's position. Administrators, licensed staff members, and other staff deemed most likely to need to restrain a student will be provided more intense training than staff who do not work directly with students in the classroom. District and building administration shall make the determination of the intensity of training required by each position.

Each school building shall maintain written or electronic documentation regarding the training that was provided and a list of participants, which shall be made available for inspection by the state board of education upon request.

### **Notification and Documentation**

The principal or designee shall notify the parent the same day as an incident. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contacting the parent. A parent may designate a preferred method of

contact to receive the same-day notification. Also, a parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.

Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day of the incident. Such written documentation shall include:

- The events leading up to the incident;
- student behaviors that necessitated the ESI;
- steps taken to transition the student back into the educational setting;
- the date and time the incident occurred, the type of ESI used, the duration of the ESI, and the school personnel who used or supervised the ESI;
- space of an additional form for parents to provide feedback or comments to the school regarding the incident;
- a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future incidents; and
- email and phone information for the parent to contact the school to schedule the ESI meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the ESIs is the same.

The parent shall be provided the following information after the first and each subsequent incident during each school year:

- A copy of this policy which indicates when ESI can be used;
- a flyer on the parent's rights;
- information on the parent's right to file a complaint through the local dispute resolution process (which is set forth in this policy) and the complaint process of the state board of education; and
- information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas.

Upon the first occurrence of an incident of ESI, the foregoing information shall be provided in printed form or, upon the parent's written request, by email. Upon the occurrence of a second or subsequent incident, the parent shall be provided with a full and direct website address containing such information.

### **Law Enforcement, School Resource, and Campus Security Officers**

Campus police officers and school resource offers shall be exempt from the requirements of this policy when engaged in an activity that has a legitimate law enforcement purpose. School security officers shall not be exempt from the requirements of this policy.

If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the school shall notify the parents the same day using the parent's preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth above, regarding law enforcement use of an emergency safety intervention, or report to the state department of education any law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

### **Documentation of ESI Incidents**

Except as specified above with regard to law enforcement or school resource officer use of

emergency safety interventions, each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following:

- Date and time of the ESI,
- Type of ESI,
- Length of time the ESI was used,
- School personnel who participated in or supervised the ESI,
- Whether the student had an individualized education program at the time of the incident,
- Whether the student had a section 504 plan at the time of the incident, and
- Whether the student had a behavior intervention plan at the time of the incident.

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent or the superintendent's designee on at least a bi-annual basis. At least once per school year, each building principal or designee shall review the documentation of ESI incidents with appropriate staff members to consider the appropriateness of the use of ESI in those instances.

### **Reporting Data**

District administration shall report ESI data to the State Department of Education as required.

### **Parent Right to Meeting on ESI Use**

After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any such meeting shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

For a student with an IEP or a Section 504 plan, such student's IEP team or Section 504 plan team shall discuss the incident and consider the need to conduct a functional behavioral assessment, develop a behavior intervention plan, or amend the behavior intervention plan if already in existence.

For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for a special education evaluation. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

For a student without an IEP or Section 504 plan, the school staff and the parent shall discuss the incident and consider the appropriateness of a referral for a special education evaluation, the need for a functional behavioral assessment, or the need for a behavior intervention plan. Any such meeting shall include the student's parent, a school administrator for the school the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for such meeting.

The student who is the subject of such meetings shall be invited to attend the meeting at the discretion of the parent. The time for calling such a meeting may be extended beyond the 10-day

limit if the parent of the student is unable to attend within that time period. Nothing in this section shall be construed to prohibit the development and implementation of a functional behavior assessment or a behavior intervention plan for any student if such student would benefit from such measures.

### **Local Dispute Resolution Process**

If a parent believes that an emergency safety intervention has been used on the parent's child in violation of state law or board policy, the parent may file a complaint as specified below.

The board of education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. Once an informal complaint is received, the administrator handling such complaint shall investigate such matter, as deemed appropriate by the administrator. In the event that the complaint is resolved informally, the administrator must provide a written report of the informal resolution to the superintendent and the parents and retain a copy of the report at the school. The superintendent will share the informal resolution with the board of education and provide a copy to the state department of education.

If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the board of education by providing a copy of the complaint to the clerk of the board and the superintendent within thirty (30) days after the parent is informed of the incident.

Upon receipt of a formal written complaint, the board president shall assign an investigator to review the complaint and report findings to the board as a whole. Such investigator may be a board member, a school administrator selected by the board, or a board attorney. Such investigator shall be informed of the obligation to maintain confidentiality of student records and shall report the findings and recommended action to the board in executive session.

Any such investigation must be completed within thirty (30) days of receipt of the formal written complaint by the board clerk and superintendent. On or before the 30th day after receipt of the written complaint, the board shall adopt a report containing written findings of fact and, if necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be mailed to the parents and the state department within 30 days of the board's receipt of the formal complaint.

If desired, a parent may file a complaint under the state board of education administrative review process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

You may access the most current version of the Code of Student Conduct and related Olathe Public Schools Board of Education Policies on the district website at [www.olatheschools.org](http://www.olatheschools.org).

Click **Our District**, then **Board Docs**, then **Policies**.







# Olathe Public Schools

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