



**January 28, 2020**

Parent  
1126 Russell Cave Road  
Lexington, KY 40513

Dear Parent,

As you are aware, your child served ten (10) days suspension beginning September 5, 2019. The grounds for the suspension were explained to you and your child by Jay Bordas of Henry Clay High School. The reason for the suspension was that on September 5, 2019, your child was charged with terroristic threatening while attending Henry Clay High School.

Associate Principal Jay Bordas has explained to you and your child that under Board policy further disciplinary action, including referral for expulsion, may be taken. As stated in the Student **Code of Conduct in Section 4.0: "TERRORISTIC THREAT"**.

**SECTION 4.01 "TERRORISTIC THREAT":** This violation means [KRS 508.075]: (1) A person is guilty of terroristic threatening in the first degree when he or she: (a) Intentionally makes false statements that he or she or another person has placed a weapon of mass destruction on: 1. The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education; 2. A school bus of other vehicle owned, operated, or leased by a school; 3. The real property or any building public or private that is the site of an official school-sanctioned function; or 4. The real property of any building owned or leased by a government agency; or (b) Intentionally and without lawful authority, place a counterfeit weapon of mass destruction at any location or on any object specified in paragraph (a) of this subsection. (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed, with the written permission of the chief officer of the school or other institution, as a part of an official training exercise and is placed by a public servant, as defined in KRS 522.010. (3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known. (4) Terroristic threatening in the first degree is a Class C felony.

This is a Class IV violation of the Student Code of Conduct; therefore, I am accepting this recommendation of the school and referring this matter to the Board of Education for an expulsion hearing pursuant to KRS 158.150. This referral for an Expulsion Hearing is based upon your child intentionally breaking down the door of a staff member and threatening the staff member with physical harm. Additionally, a review of the behavior reports for your child

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Board of Education: Stephanie Spires, chair • Raymond Daniels, vice chair • Daryl Love • Christy Morris • Tyler Murphy  
Superintendent Emmanuel Caulk

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**Mailing address:** 1126 Russell Cave Road, Lexington, Kentucky 40505



going back to the 2018-2019 school year reveals a pattern and practices by repeated “incorrigible bad conduct” in violation of the Student Code of Conduct adopted by the Board of Education of Fayette County. A copy of detailed behavior report for your child for the 2018-2019 is attached hereto. This repeated misbehavior will also be presented to the Board of Education in consideration of expulsion.

As the parent/guardian of your child, you have the right to go before the Board of Education and explain why you believe he should not be expelled for his behavior. If you wish to exercise that right to have a hearing before the Board, a closed meeting has been scheduled for **February 3, 2020** for the purpose of an expulsion hearing. You have the right to request that the hearing be open to the public, if you desire. The meeting will be held in **Conference Room A, It's About Kids Support Services, 701 East Main Street**, Lexington, Kentucky, beginning at **7:30 PM**. The Board requests that Sergio be in attendance at the hearing. **The hearing will proceed in absentia if you decline to attend.**

Testimony at the hearing for your child will include but may not be limited to testimony from Jay Bordas, who discussed the misconduct with you and your child. Testimony will also be presented as to the misconduct issues in the 2018-2019 school year. At the hearing, we will also present your child’s attendance records, disciplinary summary and academic records. Copies of these records may be obtained from me prior to the hearing upon your request.

Additional testimony on the behalf of your child may be requested. Additional witnesses should be directly involved with and limited to the incident in question. Witness requests made with the intentions of intimidating others will not be tolerated. You must notify our staff attorney’s office with your request for additional witnesses at least twenty-four (24) hours before **February 3, 2020**. Please be ready to provide witness identification, contact information, and relevance.

Your child has the right to be represented by legal counsel at your expense. Please notify our staff attorney’s office at (859) 381-4728 before 9:00am, **February 3, 2020**, of the name of your attorney, if you choose to have one present, and to request the hearing be open to the public, if you so desire.

Sincerely,

Emmanuel Caulk  
Superintendent

SC/EM

C: David Moore, Director of Martin Luther King Academy  
Jay Bordas, Associate Principal of Henry Clay High School  
Shelley Chatfield, General Counsel for Fayette County Public Schools  
Student’s Cumulative Folder

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