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Oraze to be arraigned today

By Charles Mattox
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Former Nicholas County High School Principal Joe Oraze will be arraigned in Nicholas District Court, today at noon on the charge of assault, fourth degree.

The charge stems from a Feb. 10 incident at Nicholas County High School, which occurred immediately following the school's dismissal and involved Oraze and male juvenile.

"I'll be entering a plea of not guilty," Oraze said in a brief conversation Tuesday morning. Oraze has retained Fayette County attorney David Franklin.

Video, which partially shows the incident between Oraze and the male juvenile, was anonymously mailed to Justice Moore at Channel 18 News in the days following the incident. The video, as shown on 18, depicts a male juvenile near the front steps of the school. Oraze is shown coming down the steps, taking the student by the arm, leading him from the front of the steps, forcibly placing the

student on the sidewalk and calling for assistance over his hand-held radio.

Oraze was on administrative leave, following the incident and suspended Feb. 18. He was charged with assault, fourth degree, and immediately posted \$7,500 cash bond at the Montgomery County Detention Center.

According to Channel 18 reports, the juvenile was placed on ten days suspension from school.

Oraze has the right to request a hearing from the Commissioner of the Kentucky Department of Education, according to statements made by school administrators.

"I've submitted the proper documents to allow that process to go further," Oraze said Tuesday morning.

Nicholas County Superintendent Greg Reid released his statement by enactment of Oraze's suspension through Hank Bond, Director of Public Relations and Communications at the school district.

"The district will make no other comment or answer any questions concerning Mr. Oraze until due process is served," the last statement is

sued by the district, states. An open records request submitted to Reid from the Carisle Mercury regarding the inspection of "all video and audio footage recorded on school grounds Feb. 10" was denied.

In response to the written request, Reid responded in writing on Feb. 26 denying "the inspection of the video footage."

"Surveillance videos depicting students constitute educational records of those students" under both the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., and the Kentucky Family Education Rights and Privacy Act," Reid's response states. "The public disclosure of those videos is prohibited by federal law or regulation and/or these records have been made confidential by enactment of the General Assembly."

Reid's response also states that there may be video footage from that day, which does not depict any students and if a specific request is made regarding that day, when no students are depicted that request will be considered.

Reid's letter also mentions "however, that surveillance video is regularly overwritten, and at this time, it is believed the only footage which has been retained from the date (Feb. 10) identified in your letter includes depiction of one or more students. The surveillance video does not have an audio component, and there are not known to be any audio recordings as requested in your letter."

Reid's letter further states that "two surveillance videos" have been retained from Feb. 10.

"One comes from a camera outside the school building, and another is from the cameras inside the school building. The footage from the outside camera depicts only Principal Joe Oraze and a male student (with unidentifiable students in the background). The footage from the inside camera depicts multiple students and others, with an incident between Mr. Oraze and a male student shown in the background."

Copies of the Nicholas County High School Student and Parent Handbooks were provided as were other written policies outlining cell phone usage, punishment of students and policies and procedures regarding the restraining of unruly children by staff.

In accordance with policy 9.4261, detailing telecommunication devices, the policy states, in part, that cell phones and other communication devices "shall not be used in a manner that disrupts the educational process, including, but not limited to, posing a threat to academic integrity or violating confidentiality or privacy rights of another individual. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned on and operated only before and after the regular school day and during the student's lunch break."

Page 42 of the student and parent handbook addresses the issue of physical restraint/corporal punishment. "Employees are authorized by law to physically restrain students as necessary for the following reasons: to protect themselves, students, or other

ers from physical injury; to get possession of a weapon or other dangerous object; or to protect property from serious harm. The Board does not permit the use of corporal punishment as a disciplinary technique."

Policy 9.425 addresses 'Assaults and Threats of Violence.'

"Any pupil who threatens, assaults, batters or abuses another pupil shall be subject to appropriate disciplinary action, including suspension or expulsion," the policy states in part. "Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action up to and including expulsion from school and/or legal action."

Policy 9.43 'Student Disciplinary Process' states the following in part. "Administrators may act to protect staff and students when the student's conduct, as reflected by the information, indicates a substantial likelihood of an immediate and continuing threat of harm to students and staff."



David McDowell, left, will be assisting Interim High School Principal Ann Poe, right. The two have a combined total of nearly seven decades of educational experience. Both expressed enthusiasm Tuesday morning on working together to help students and staff reach their goals and full potential.

Poe and McDowell at the helm at NCHS

By Charles Mattox
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Superintendent of Nicholas County Schools Greg Reid announced Monday that Ann Poe has been named to serve as interim principal at Nicholas County High School. She has been serving as assistant principal at NCHS for the past two-and-a-half years.

Poe has 33 years of experience as an educator. David McDowell, a retired veteran Mason County educator, has been employed by the Nicholas County School District for the remainder of the school year and will assist Principal Poe at NCHS, according to a statement released from Reid through Hank Bond, Director of Public Relations and Communications at the school.

McDowell has nearly 35 years of experience as an educator and he and Poe were working closely Tuesday morning. "I'm familiar with Mr. McDowell's leadership in the field of education," Poe said. McDowell, who has roots in Bracken County, said he was pleased to be working with Poe, the students, faculty and all the staff at Nicholas County.

Grand Jury policies clarified

By Charles Mattox
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After receiving several inquiries in the aftermath of the No True Bill being issued by the Nicholas County Grand Jury Feb. 16 in regard to the fatal shooting of Brenda Pollitt Dailey, we contacted Commonwealth Attorney Doug Wright.

Wright released the following information.

1. A Grand Jury is comprised of twelve persons who must be county residents. When nine or more of the Grand Jurors believe there is sufficient evidence for a suspect or defendant to be indicted and to stand trial for a felony offense, the Grand Jury shall return an Indictment. Should four or more of the Grand Jurors believe there is not sufficient evidence to return an Indictment, the Grand Jury shall return a No True Bill. A No True Bill is not the equivalent of a dismissal of the charges. As a result, any time a Grand Jury returns a No True Bill, there always remains a possibility that a subsequent Grand Jury may hear the same case should there be either additional facts or witnesses, or both, which were not presented to the original Grand Jury.

2. Under the Rules of Criminal Procedure, a defendant or suspect may request the opportunity to testify before the Grand Jury. (A defendant or suspect cannot be subpoenaed to testify before the Grand Jury as that would amount to a violation of his Fifth Amendment Right to remain silent.) When the defendant or suspect asks for

the opportunity to testify before the Grand Jury, the Commonwealth's Attorney must advise the Grand Jury of this request. "The Grand Jury then decides whether it wishes to hear from the defendant or suspect, or not."

3. In regard to the Grand Jury proceedings on Monday, 16 February 2009, and more specifically, as it pertained to the death investigation of Brenda Dailey, Mr. Hill, through his attorney, Burr Travis, requested to testify before the Grand Jury. As obligated by law, the Commonwealth's Attorney advised the Grand Jury of that request. The Grand Jury then chose to hear testimony from Mr. Hill. In addition, the Grand Jury heard testimony from Det. Nathaniel Moore regarding his thorough investigation of this incident, including his

observations upon arrival at the scene, his interviews with eyewitnesses, and his examination of the forensic evidence including the medical examiner's report. Det. Moore (and Mr. Hill) were examined, at length, by the Commonwealth's Attorney, and following that examination, members of the Grand Jury asked each witness a number of questions about the events of 29 December 2008.

4. Whenever it is determined that a criminal homicide has occurred, a Grand Jury may choose to indict under any one of the four offenses listed under Kentucky Revised Statute Chapter 507. Those offenses, in order of severity, are Murder, Manslaughter in the First Degree, Manslaughter in the Second Degree, and Reckless Homicide.

5. In the case of the fatal shooting of Brenda Pollitt Dailey, the Grand Jury returned a No True Bill on Feb. 16, 2009. This means that the Grand Jury did not believe there was sufficient evidence to return an indictment against the suspect.

6. The Commonwealth's Attorney advised the Grand Jury of the fact that the Commonwealth's Attorney advised the Grand Jury of that request. The Grand Jury then chose to hear testimony from Mr. Hill. In addition, the Grand Jury heard testimony from Det. Nathaniel Moore regarding his thorough investigation of this incident, including his

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