

CHAPTER 185**(SB 52)**

AN ACT relating to children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 610.345 is amended to read as follows:

- (1) When a child is adjudicated guilty of an offense which classifies him *or her* as a youthful offender, ***the judge in*** the court in which the matter was tried shall ***direct the clerk to*** notify the ***superintendent of the public school district in which the child is enrolled or the*** principal of any ~~public or~~ private elementary or secondary school which the child attends of the adjudication and the petition and disposition of the case. The name of the complainant shall be deleted. Upon written request of the authorized representative of the ***school district or the*** school, the court, if it deems it appropriate, may authorize the county attorney to give the ***school district or the*** school a statement of facts in the case. ***The superintendent shall notify the principal of the school in which the child is enrolled.***
- (2) When a child is adjudicated guilty of an offense which would classify him *or her* as a violent offender under KRS 439.3401, or be a felony under KRS Chapter 218A, 508, 510, or 527 if committed by an adult, but which would not classify him *or her* as a youthful offender, ***the judge in*** the court in which the matter was tried shall ***direct the clerk to*** notify within five (5) days of the order the ***superintendent of the public school district in which the child is enrolled or the*** principal of any ~~public or~~ private elementary or secondary school which the child attends of the charge, the adjudication, and the disposition of the case. The name of the complainant shall be deleted. Upon written request of the authorized representative of the ***school district or the*** school, the court, if it deems it appropriate, may authorize the county attorney to give the ***school district or the*** school a statement of facts in the case. ***The superintendent shall notify the principal of the school in which the child is enrolled.***
- (3) When a petition is filed against a child, or a child is adjudicated guilty of an offense that would be a felony or misdemeanor if committed by an adult, and the misdemeanor involves a controlled substance or the possession, carrying, or use of a deadly weapon, or physical injury to another person, ***the judge in*** the court in which the matter is considered shall ***direct the clerk to*** notify the ***superintendent of the public school district in which the child is enrolled or the*** principal of any ~~public or~~ private elementary or secondary school that the child attends of the charge, the adjudication, and the disposition of the case. ***The notification shall be made within twenty-four (24) hours of the time when the petition is filed.*** The name of the complainant shall be deleted. Upon written request of the authorized representative of the ***school district or the*** school, the court, if it deems it appropriate, may authorize the county attorney to give the ***school district or the*** school a statement of the facts in the case, not to include the complainant's name. ***If the petition is dismissed, all records of the incident or notification created in the school district or the school under this subsection shall be destroyed, and shall not be included in the child's school records.***
- (4) Notice of adjudication to ***a district superintendent***~~the school principal~~ referenced in subsections (1), ~~and~~ (2), ***and*** (3) of this section shall be released by ***the superintendent to*** the principal. ***A principal of a public or private school receiving notice of adjudication shall release the information*** to employees of the school having responsibility for classroom instruction ***or counseling*** of the child and may ***release it***~~be released~~ to other

school personnel as described in subsection (5) of this section, but the information shall otherwise be confidential and shall not be shared by school personnel with any other person or agency except as may otherwise be required by law. The notification in writing of the nature of the offense committed by the child and any probation requirements shall not become a part of the child's student record.

- (5) Records or information disclosed pursuant to this section shall be limited to records of that student's criminal petition and the disposition thereof covered by this section, shall be subject to the provisions of KRS 610.320 and 610.340, and shall not be disclosed to any other person, including school personnel, except to *a district superintendent*, public or private elementary and secondary school administrative, transportation, and counseling personnel, and to any teacher or school employee with whom the student may come in contact. This section shall not authorize the disclosure of any other juvenile record or information relating to the child.
- (6) The Department of Juvenile Justice shall provide a child's offense history information pursuant to this section to the superintendent of the local school district in which the child, who is committed to the department, is placed.
- (7) Records or information received by the school pursuant to this section shall be kept in a locked file, when not in use, to be opened only on permission of the administrator.

Section 2. KRS 158.155 is amended to read as follows:

- (1) If a student has been adjudicated guilty of an offense specified in this subsection or has been expelled from school for an offense specified in this subsection, prior to a student's admission to any school, the parent, guardian, *principal*, or other person or agency responsible for a student shall provide to the school a sworn statement or affirmation indicating on a form provided by the Kentucky Board of Education that the student has been *adjudicated guilty or* expelled from school attendance at a public or private school in this state or another state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs. *The sworn statement or affirmation shall be sent to the receiving school within five (5) working days of the time when the student requests enrollment in the new school.*
- (2) If any student who has been expelled from attendance at a public or private school in this state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs requests transfer of his records, those records shall reflect the charges and final disposition of the expulsion proceedings.
- (3) If any student who is subject to an expulsion proceeding at a public or private school in this state for homicide, assault, or an offense in violation of state law or school regulations relating to weapons, alcohol, or drugs requests transfer of his records to a new school, the records shall not be transferred until that proceeding has been terminated and shall reflect the charges and any final disposition of the expulsion proceedings.
- (4) A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if:
 - (a) The person knows or has reasonable cause to believe that conduct has occurred which constitutes:

1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - a. Carrying, possession, or use of a deadly weapon; or
 - b. Use, possession, or sale of controlled substances; or
 2. Any felony offense under the laws of this Commonwealth; and
- (b) The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.
- (5) A person who is an administrator, teacher, supervisor, or other employee of a public or private school who receives information from a student or other person of conduct which is required to be reported under subsection (1) of this section shall report the conduct in the same manner as required by that subsection.
- (6) Neither the husband-wife privilege of KRE 504 nor any professional-client privilege, including those set forth in KRE 506 and 507, shall be a ground for refusing to make a report required under this section or for excluding evidence in a judicial proceeding of the making of a report and of the conduct giving rise to the making of a report. However, the attorney-client privilege of KRE 503 and the religious privilege of KRE 505 are grounds for refusing to make a report or for excluding evidence as to the report and the underlying conduct.
- (7) Nothing in this section shall be construed as to require self-incrimination.
- (8) A person acting upon reasonable cause in the making of a report under this section in good faith shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:
- (a) Making the report; and
 - (b) Participating in any judicial proceeding that resulted from the report.

Approved April 22, 2004