

CHAPTER 9

(HB 446)

AN ACT relating to public school transportation.

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

➔Section 1. KRS 158.110 is amended to read as follows:

- (1) Boards of education may provide transportation from their general funds or otherwise for any pupil of any grade to the nearest school to the pupil's residence within the district if the pupil does not live within a reasonable walking distance to such nearest school of appropriate grade level. The local board may provide transportation by means of a board-operated transportation system, transit authorities organized and operating pursuant to KRS Chapter 96A, local governmental mass transit systems, and individual contracted buses and vehicles.
- (2) When space is not available at the nearest school, boards of education may provide transportation from their general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance to the nearest school of appropriate grade level where space is available. Transportation may be provided by means pursuant to subsection (1) of this section.
- (3) Public elementary and secondary schools shall not change their present grade level structure without written permission from the Kentucky Board of Education.
- (4) The boards of education shall adopt *policies to ensure*~~[such rules and regulations as will insure]~~ the comfort, health, and safety of the *pupils*~~[children]~~ who are transported, consistent with the ~~[rules and]~~ regulations of the Kentucky Board of Education *regarding*~~[dealing with]~~ the transportation of pupils.
- (5) *Boards of education shall adopt a transportation services policy based on the statewide transportation services policy guidelines. The transportation services policy shall contain the terms and conditions for use of transportation services for pupils who are transported and for their parents, legal guardians, or other persons exercising custodial control or supervision of the pupils who are transported, consistent with the requirements of Section 2 of this Act.*

➔Section 2. KRS 158.148 is amended to read as follows:

- (1) ~~[(a)]~~As used in this section:~~[-]~~
 - (a) *1.* "Bullying" means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:
 - a.*~~[-]~~ That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or
 - b.*~~[-]~~ That disrupts the education process; *and*~~[-]~~
 - 2.*~~[-]~~ This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process; *and*~~[-]~~
 - (b) *"Parent or guardian" means a parent, legal guardian, or other person exercising custodial control or supervision of a student.*
- (2) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Kentucky Association of Professional Educators, the Kentucky Association of School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year~~[-, beginning August 31, 2008]~~:
 - (a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444;

- (b) *Statewide transportation services policy guidelines to ensure the safety of students, operators of vehicles, and other passengers using district-provided transportation.*
 - (c) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and
 - (d) ~~(c)~~ ~~[A]~~ Model ~~[policy]~~ **policies** to implement the provisions of this section and *Section 1 of this Act*, KRS 158.156, 158.444, 525.070, and 525.080.
- (3) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide *student discipline* guidelines, *transportation services policy guidelines*, and the recommendations under subsection (2) of this section.
- (4) Copies of the *statewide student* discipline guidelines *and the transportation services policy guidelines* shall be distributed to all school districts. The statewide *student discipline* guidelines shall contain broad principles and legal requirements to guide local districts in ~~the development of~~ ~~[developing]~~ their own *code of acceptable behavior and discipline*; ~~[code and school councils in]~~ the selection of discipline and classroom management techniques *by school councils* under KRS 160.345; *the development of the district transportation services policy* ~~[158.154]~~; and ~~[in]~~ the development of the district-wide safety plan.
- (5) (a) Each local board of education shall ~~adopt~~ ~~[be responsible for formulating]~~ a code of acceptable behavior and discipline *based on the statewide student discipline guidelines that shall* ~~[to]~~ apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years; ~~[with the first update being completed by November 30, 2008].~~
- (b) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an ~~[existing]~~ emergency.
- (c) The code shall prohibit bullying.
- (d) The code shall contain the *standard* ~~[type]~~ of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged.
- (e) The code shall contain:
1. Procedures for identifying, documenting, and reporting incidents of bullying, incidents of violations of the code, and incidents for which reporting is required under KRS 158.156;
 2. Procedures for investigating and responding to a complaint or a report of bullying or a violation of the code, or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents *or* ~~[, legal]~~ guardians; ~~[or other persons exercising custodial control or supervision]~~ of the students involved;
 3. A strategy or method of protecting ~~[from retaliation]~~ a complainant or person reporting:
 - a. An incident of bullying; ~~[;]~~
 - b. A violation of the code; ~~[;]~~ or
 - c. An incident for which reporting is required under KRS 158.156;*from retaliation;*
 4. A process for informing students, parents *or* ~~[, legal]~~ guardians; ~~[or other persons exercising custodial control or supervision,]~~ and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees; and
 5. Information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, 158.156, or 158.444.

- (f) The principal of each school shall apply the code of *acceptable* behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.
- (g) A copy of the code of *acceptable* behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced in all school handbooks. All school employees and parents ~~or legal guardians~~, ~~or other persons exercising custodial control or supervision~~ shall be provided copies of the code.
- (6) (a) *Each local board of education shall adopt a transportation services policy to apply to students while on transportation provided for or by the district, and to their parents or guardians. The policy shall be updated no less frequently than every two (2) years, with the first update being completed by the first instructional day of the 2024-2025 school year.*
- (b) *The superintendent or designee shall be responsible for overall implementation and supervision. The board shall select and implement the appropriate discipline and transportation management techniques necessary to carry out the policy. The board shall establish a process for a two-way communication system for bus drivers and other employees, volunteers, or contractors to notify a supervisor, superintendent, or other administrator of an emergency.*
- (c) *The policy shall contain the standard of behavior expected from each student while being transported by or for the district and the consequences of failure to obey the standards. The policy shall include:*
1. *Procedures for identifying, documenting, and reporting incidents of bullying, incidents of violations of the policy, and incidents for which reporting is required under KRS 158.156;*
 2. *Procedures for investigating and responding to a complaint or a report of bullying or a violation of the policy, or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents or guardians of the students involved;*
 3. *A strategy or method of protecting a complainant or person reporting a violation of the policy from retaliation;*
 4. *When a student is alleged by an operator of transportation to have committed a violation of the policy that places the student or others at risk of physical harm or otherwise makes it unsafe for the driver to continue transporting students, and as permitted by state and federal law, a process that allows the operator of the vehicle to:*
 - a. *Refuse further transportation of the student at the time of the incident, upon notification of the emergency pursuant to paragraph (b) of this subsection, and transfer the student to:*
 - i. *An appropriate district official who has reported to the location of the vehicle;*
 - ii. *An appropriate district official located at a location designated in the transportation services policy or by an appropriate district official, including but not limited to a bus compound or transfer station;*
 - iii. *Law enforcement; or*
 - iv. *The student's parent or guardian; and*
 - b. *Upon filing and submitting a written report to the superintendent or designee, refuse future transportation of the student until an interim or final determination of disciplinary action by the superintendent or designee pursuant to local board policy;*
 5. *For alleged violations of the policy not covered by subparagraph 4. of this paragraph and submitted by the operator of the vehicle, a requirement that the superintendent or designee issue an interim or final determination of disciplinary action pursuant to local board policy within one (1) week of the report being submitted;*
 6. *A process allowing for the operator of a vehicle to:*
 - a. *File a written or electronic complaint or report of the misconduct, including a recommendation regarding revocation of the student's transportation privileges; and*

- (g) *The superintendent or designee of each district shall apply the transportation services policy uniformly and fairly to each student without partiality or discrimination.*
 - (h) *The superintendent or designee shall require every student in the district and at least one (1) parent or guardian of each student to acknowledge in writing the receipt, comprehension, and agreement of adherence to the transportation safety policy within seven (7) days of the student's first day of attendance during each school year. Failure to submit written acknowledgement by a student or their parent or guardian may be grounds for revocation of a student's transportation privileges until the acknowledgment is properly received.*
- (7) *Any action under this section related to students with disabilities shall be in compliance with applicable federal law.*

➔Section 3. KRS 158.445 is amended to read as follows:

- (1) Each local school shall **conduct**~~begin~~ an assessment of school safety and student discipline ~~during the 1998-1999 school year~~ including a review of the following:
- (a) Reports of school incidents relating to disruptive behaviors;
 - (b) The school's behavior and discipline codes for clarity and appropriate notice to students and parents;
 - (c) The school's hierarchy of responses to discipline problems and actual disciplinary outcomes;
 - (d) Training needs for instructional staff in classroom management, student learning styles, and other specialized training to enhance teachers' capacity to engage students and minimize disruptive behavior;
 - (e) The array of school services to students at risk of academic failure, dropping out, or truancy;
 - (f) The engagement of parents at the earliest stages of problem behavior;
 - (g) Training needs for students in the development of core values and qualities of good character, anger reduction, conflict resolution, peer mediation, and other necessary skills;
 - (h) Training needs of parents;
 - (i) Existing school council policies relating to student discipline and student information;
 - (j) The school's physical environment;
 - (k) The school's student supervision plan;
 - (l) Existing components of the school improvement plan or consolidated plan that focus on school safety and at-risk students, and the effectiveness of the components; and
 - (m) Other data deemed relevant by the school council or school administration.

A school that does not complete an assessment process shall not be eligible for funds under the state school safety grant program~~in 1999-2000 and subsequent years~~.

- (2) ~~By May 15, 1999,~~ Each local school district shall complete a district-level assessment of district-level data, resources, policies and procedures, and district-wide needs as identified from the individual school assessment process. The district shall engage local community agencies including law enforcement and the courts in the assessment process.
- (3) As a result of the district assessment and analysis of data, resources, and needs, each board of education shall adopt a plan for immediate and long-term strategies to address school safety and discipline. The development of the plan shall involve at least one (1) representative from each school in the district as well as representatives from the community as a whole, including representatives from the local juvenile delinquency prevention council if a council exists in that community. The process of planning shall be determined locally depending to a large extent on the size and characteristics of the district.
- (4) The district plan under subsection (3) of this section shall be the basis for any request for funds under the state school safety grant program~~for 1999-2000 and subsequent years~~. The district plan shall include the local code of acceptable behavior and discipline *and the transportation services policy* as required under KRS 158.148 and a description of instructional placement options for threatening or violent students.

Signed by Governor March 22, 2024.

