

780 KAR 2:060. Discipline of students.

RELATES TO: KRS 156.802(3), 158.150, 158.444

STATUTORY AUTHORITY: KRS 156.802(3), 156.852

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.852 authorizes the Kentucky Board of Education to promulgate administrative regulations to implement career and technical education in Kentucky. KRS 158.150 establishes the grounds and procedures for discipline from the state's common schools. This administrative regulation establishes the procedure for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons following the grounds and procedures established in KRS 158.150 for the common schools.

Section 1. Definition. "Kentucky TECH" means the system of state-operated secondary career and technical education programs in the area technology centers.

Section 2. Teachers and administrators employed in or assigned to work in a Kentucky TECH school shall be responsible for the supervision and discipline of students during the time the students are in attendance at a Kentucky TECH facility.

Section 3. All students shall comply with the policies of the Kentucky TECH school in which they are enrolled. The following actions, subject to due process requirements set forth in KAR Title 707, shall constitute cause for disciplinary suspension or expulsion:

- (1) Willful disobedience or defiance of the authority of a teacher or administrator;
- (2) Assault, battery, or abuse of another student or school personnel;
- (3) Threat of force or violence;
- (4) Use or possession of illicit drugs or alcohol;
- (5) Stealing, destroying, or defacing school or personal property;
- (6) Possessing or using a dangerous weapon or instrument; or
- (7) Other incorrigible conduct on school property or at school-sponsored activities.

Section 4. (1) Except as provided in subsection (2) of this section, any secondary student subject to disciplinary action shall be referred by the school administrator of a Kentucky TECH school to the principal of the sending school in which the student is enrolled, where pursuant to KRS 158.444, the incident must be recorded within the student information system.

(2) The Kentucky TECH school administrator or his or her designee shall have the authority to immediately suspend secondary students from the Kentucky TECH center without action by the sending school, to:

- (a) Protect persons or property; or
- (b) Avoid disruption of the ongoing academic programs.

(3) The Kentucky TECH school administrator shall submit in writing to the principal of the sending high school the reason for disciplinary action and recommend any further action.

(4) The principal of the sending high school shall respond to the Kentucky TECH school administrator as to the action to be taken.

(5) The due process procedures outlined in KRS 158.150(5) shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

Section 5. A secondary student who is suspended from a participating local high school or

expelled from a participating local school district shall be suspended or expelled from the Kentucky TECH school in which the student is enrolled. (17 Ky.R. 719; eff. 10-14-1990; 20 Ky.R. 1694; eff. 2-2-1994; 22 Ky.R. 358; 725; eff. 10-5-1995; 26 Ky.R. 2320; 27 Ky.R. 962; eff. 10-16-2000; 35 Ky.R. 1894; 2223; eff. 5-1-2009; Crt eff. 7-1-2019; 46 Ky.R. 1632, 2481, 2640; eff. 6-30-2020.)