

**158.148 Definitions of "bullying" and "parent or guardian" -- Discipline guidelines, transportation services policy, and model policies -- Local code of acceptable behavior and discipline -- Required contents of code.**

- (1) 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:
  - (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) Model policies to implement the provisions of this section and KRS 158.110, 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 their own code of acceptable behavior and discipline; the selection of discipline and classroom management techniques by school councils under KRS 158.155 and 160.345; the development of the district transportation services policy; and the development of the district-wide safety plan.

- (5) (a) Each local board of education shall adopt a code of acceptable behavior and discipline based on the statewide student discipline guidelines that shall apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years.
- (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 emergency.
- (c) The code shall prohibit bullying.
- (d) The code shall contain the standard 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 guardians of the students involved;
  3. A strategy or method of protecting 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 guardians, 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 158.155, 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 guardians 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
  - b. Be heard during any disciplinary proceedings against a student relating, at least in part, to misconduct that occurred during the operator's transportation of the student;
7. A requirement that any recommendation by the operator of a vehicle shall be considered by the superintendent or designee as a factor in the interim or final determination of disciplinary action on the complaint or report;
8. A requirement that the operator of a vehicle, to the extent permitted by law, receive written notice from the superintendent or designee of the investigation, disciplinary action imposed, and reasoning in response to the reported misconduct; and
9. A disciplinary structure that provides for:
- a. Interventions or disciplinary consequences that reflect the severity of the violation; and
  - b. Increased intervention and consequences upon subsequent violations of the policy.
- (d) The policy shall contain the standard of behavior expected from parents or guardians of students being transported by or for the district while interacting with district transportation staff and the consequences of failure to follow the standards. The policy shall include:
- 1. Procedures for investigating and responding to a complaint or report made by an operator of transportation alleging parent or legal guardian misconduct;
  - 2. A requirement that the operator of a vehicle be provided an opportunity to be heard and to make a recommendation regarding future transportation of the student during any disciplinary proceedings relating, at least in part, to alleged misconduct by the student's parent or

- guardian and the impact upon a student's transportation privileges; and
3. An intervention or consequences structure that provides for the placement of conditions upon or revocation of a student's transportation privileges based upon parent or guardian misconduct that provides for:
    - a. Interventions or consequences that reflect the severity of the parent or guardian's misconduct; and
    - b. Increased intervention and consequences upon subsequent violations of the policy.
- (e) The policy shall include references to relevant criminal violations based on potential misconduct covered by the policy, including but not limited to the following statements:
1. "KRS 511.020 makes it a Class B felony for a person, with the intent to commit a crime, knowingly entering or remaining unlawfully upon a school bus, and when in effecting entry or while upon the school bus or in the immediate flight therefrom, the person or another participant in the crime causes physical injury to another person or uses or threatens the use of a dangerous instrument against another person.";
  2. "KRS 508.078 makes it a Class C felony for a person to intentionally threaten to commit any act likely to result in death or serious physical injury to any employee of an elementary or secondary school, which includes a school bus driver.";
  3. "KRS 508.025 makes it a Class D felony for a person to recklessly, with a deadly weapon or dangerous instrument, or intentionally cause or attempt to cause physical injury to a school bus driver or other school employee acting in the course and scope of their employment.";
  4. "KRS 519.020 makes it a Class A misdemeanor for a person to obstruct governmental operations, which includes intentionally obstructing, impairing, or hindering the performance of a governmental function by using or threatening to use violence, force or physical interference."; and
  5. "KRS 525.070 makes it a Class B misdemeanor for a person, with intent to intimidate, harass, annoy, or alarm another person, to strike, shove, kick, or otherwise subject another to physical contact.".
- (f) The policy shall include a process for an operator of a vehicle, upon the reinstatement of a student's transportation privileges after an interim or final determination of disciplinary action, to elect to receive an alternate route assignment in lieu of transporting the student.
- (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.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 9, sec. 2, effective July 15, 2024; and ch. 174, sec. 37, effective July 15, 2024. -- Amended 2016 Ky. Acts ch. 81, sec. 1, effective July 15, 2016. -- Amended 2014 Ky. Acts ch. 132, sec. 12, effective July 15, 2014. -- Amended 2008 Ky. Acts ch. 125, sec. 3, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 452, sec. 4, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 493, sec. 11, effective April 10, 1998. -- Amended 1996 Ky. Acts ch. 8, sec. 1, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 476, Pt. IV, sec. 204, effective July 13, 1990. -- Amended 1985 (1st Extra. Sess.) Ky. Acts ch. 10, sec. 13, effective October 18, 1985. -- Created 1984 Ky. Acts ch. 397, sec. 3, effective July 13, 1984.

**Legislative Research Commission Note (7/15/2024).** This statute was amended by 2024 Ky. Acts chs. 9 and 174, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note (7/15/2016).** In codification, the Reviser of Statutes has altered the internal numbering of subsection (5) of this statute from the way it appeared in 2016 Ky. Acts ch. 81, sec. 1 under the authority of KRS 7.136(1)(a).