

1 AN ACT relating to school safety.

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

3 ➔Section 1. KRS 158.148 is amended to read as follows:

4 (1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or  
5 social behavior among students that involves a real or perceived power  
6 imbalance and is repeated or has the potential to be repeated:

7 1. That occurs on school premises, on school-sponsored transportation, or  
8 at a school-sponsored event; or

9 2. That disrupts the education process.

10 (b) This definition shall not be interpreted to prohibit civil exchange of opinions  
11 or debate or cultural practices protected under the state or federal Constitution  
12 where the opinion expressed does not otherwise materially or substantially  
13 disrupt the education process.

14 (2) In cooperation with the Kentucky Education Association, the Kentucky School  
15 Boards Association, the Kentucky Association of School Administrators, the  
16 Kentucky Association of Professional Educators, the Kentucky Association of  
17 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of  
18 Commerce, the Farm Bureau, members of the Interim Joint Committee on  
19 Education, and other interested groups, and in collaboration with the Center for  
20 School Safety, the Department of Education shall develop or update as needed and  
21 distribute to all districts by August 31 of each even-numbered year, beginning  
22 August 31, 2008:

23 (a) Statewide student discipline guidelines to ensure safe schools, including the  
24 definition of serious incident for the reporting purposes as identified in KRS  
25 158.444;

26 (b) Recommendations designed to improve the learning environment and school  
27 climate, parental and community involvement in the schools, and student

1 achievement; and

2 (c) A model policy to implement the provisions of this section and KRS 158.156,  
3 158.444, 525.070, and 525.080.

4 (3) The department shall obtain statewide data on major discipline problems and  
5 reasons why students drop out of school. In addition, the department, in  
6 collaboration with the Center for School Safety, shall identify successful strategies  
7 currently being used in programs in Kentucky and in other states and shall  
8 incorporate those strategies into the statewide guidelines and the recommendations  
9 under subsection (2) of this section.

10 (4) Copies of the discipline guidelines shall be distributed to all school districts. The  
11 statewide guidelines shall contain broad principles and legal requirements to guide  
12 local districts in developing their own discipline code and school councils in the  
13 selection of discipline and classroom management techniques under KRS 158.154;  
14 and in the development of the district-wide safety plan.

15 (5) (a) Each local board of education shall be responsible for formulating a code of  
16 acceptable behavior and discipline to apply to the students in each school  
17 operated by the board. The code shall be updated no less frequently than every  
18 two (2) years, with the first update being completed by November 30, 2008.

19 (b) The superintendent, or designee, shall be responsible for overall  
20 implementation and supervision, and each school principal shall be  
21 responsible for administration and implementation within each school. Each  
22 school council shall select and implement the appropriate discipline and  
23 classroom management techniques necessary to carry out the code. The board  
24 shall establish a process for a two-way communication system for teachers  
25 and other employees to notify a principal, supervisor, or other administrator of  
26 an existing emergency.

27 (c) The code shall prohibit bullying **and shall include bullying shown to be:**

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- 1. Motivated by a student's actual or perceived:**
  - a. Race;**
  - b. Color;**
  - c. Religion;**
  - d. National origin;**
  - e. Ancestry or ethnicity;**
  - f. Sexual orientation;**
  - g. Physical, mental, emotional, or learning disability;**
  - h. Gender identity and expression; or**
  - i. Other distinguishing personal characteristics; or**
- 2. Based on association with any person identified by a distinguishing characteristic described in this paragraph.**

- (d) The code shall contain the 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, 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 an incident of bullying, a violation of the code, or an

- 1 incident for which reporting is required under KRS 158.156;
- 2 4. A process for informing students, parents, legal guardians, or other  
3 persons exercising custodial control or supervision, and school  
4 employees of the requirements of the code and the provisions of this  
5 section and KRS 158.156, 158.444, 525.070, and 525.080, including  
6 training for school employees; and
- 7 5. Information regarding the consequences of bullying and violating the  
8 code and violations reportable under KRS 158.154, 158.156, or 158.444.
- 9 (f) The principal of each school shall apply the code of behavior and discipline  
10 uniformly and fairly to each student at the school without partiality or  
11 discrimination.
- 12 (g) A copy of the code of behavior and discipline adopted by the board of  
13 education shall be posted at each school. Guidance counselors shall be  
14 provided copies for discussion with students. The code shall be referenced in  
15 all school handbooks. All school employees and parents, legal guardians, or  
16 other persons exercising custodial control or supervision shall be provided  
17 copies of the code.