

1 AN ACT relating to bullying.

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

9 b.~~2.~~ That occurs at a location, activity, function, or program that is  
10 not school-sponsored; or

11 c. That occurs through the use of technology or an electronic  
12 device that is or is not owned, leased, or provided by a school or  
13 school district; and

14 2. a. That creates a hostile environment at school for the victim;

15 b. That infringes on the rights of the victim at school; or

16 c. That materially and substantially~~That~~ disrupts the education  
17 process *or the orderly operation of a school.*

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

22 (2) In cooperation with the Kentucky Education Association, the Kentucky School  
23 Boards Association, the Kentucky Association of School Administrators, the  
24 Kentucky Association of Professional Educators, the Kentucky Association of  
25 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of  
26 Commerce, the Farm Bureau, members of the Interim Joint Committee on  
27 Education, and other interested groups, and in collaboration with the Center for

1 School Safety, the Department of Education shall develop or update as needed and  
2 distribute to all districts by August 31 of each even-numbered year, beginning  
3 August 31, 2008:

- 4 (a) Statewide student discipline guidelines to ensure safe schools, including the  
5 definition of serious incident for the reporting purposes as identified in KRS  
6 158.444;
- 7 (b) Recommendations designed to improve the learning environment and school  
8 climate, parental and community involvement in the schools, and student  
9 achievement; and
- 10 (c) A model policy to implement the provisions of this section and KRS 158.156,  
11 158.444, 525.070, and 525.080.
- 12 (3) The department shall obtain statewide data on major discipline problems and  
13 reasons why students drop out of school. In addition, the department, in  
14 collaboration with the Center for School Safety, shall identify successful strategies  
15 currently being used in programs in Kentucky and in other states and shall  
16 incorporate those strategies into the statewide guidelines and the recommendations  
17 under subsection (2) of this section.
- 18 (4) Copies of the discipline guidelines shall be distributed to all school districts. The  
19 statewide guidelines shall contain broad principles and legal requirements to guide  
20 local districts in developing their own discipline code and school councils in the  
21 selection of discipline and classroom management techniques under KRS 158.154;  
22 and in the development of the district-wide safety plan.
- 23 (5) (a) Each local board of education shall be responsible for formulating a code of  
24 acceptable behavior and discipline to apply to the students in each school  
25 operated by the board. The code shall be updated no less frequently than every  
26 two (2) years, with the first update being completed by November 30, 2008.
- 27 (b) The superintendent, or designee, shall be responsible for overall

1 implementation and supervision, and each school principal shall be  
2 responsible for administration and implementation within each school. Each  
3 school council shall select and implement the appropriate discipline and  
4 classroom management techniques necessary to carry out the code. The board  
5 shall establish a process for a two-way communication system for teachers  
6 and other employees to notify a principal, supervisor, or other administrator of  
7 an existing emergency.

8 (c) The code shall prohibit bullying.

9 (d) The code shall contain the type of behavior expected from each student, the  
10 consequences of failure to obey the standards, and the importance of the  
11 standards to the maintenance of a safe learning environment where orderly  
12 learning is possible and encouraged.

13 (e) The code shall contain:

14 1. Procedures for identifying, documenting, and reporting incidents of  
15 bullying, incidents of violations of the code, and incidents for which  
16 reporting is required under KRS 158.156;

17 2. Procedures consistent with state and federal law for promptly  
18 notifying the parents or guardians of an alleged victim and an alleged  
19 perpetrator, including the actions to be taken to prevent any possible  
20 future acts of bullying or retaliation;

21 3. Procedures for investigating and responding to a complaint or a report of  
22 bullying or a violation of the code, or of an incident for which reporting  
23 is required under KRS 158.156, including reporting substantiated  
24 incidents to the parents, legal guardians, or other persons exercising  
25 custodial control or supervision of the students involved;

26 4. Procedures for restoring a sense of safety for a victim and assessing  
27 the victim's needs for protection;

1           ~~5.13.~~ A strategy or method of protecting from retaliation a complainant or  
2           person reporting an incident of bullying, a violation of the code, or an  
3           incident for which reporting is required under KRS 158.156;

4           ~~6.14.~~ A process for informing students, parents, legal guardians, or other  
5           persons exercising custodial control or supervision, and school  
6           employees of the requirements of the code and the provisions of this  
7           section and KRS 158.156, 158.444, 525.070, and 525.080, including  
8           training for school employees; and

9           ~~7.15.~~ Information regarding the consequences of bullying and violating the  
10          code and violations reportable under KRS 158.154, 158.156, or 158.444.

11       (f) The principal of each school shall apply the code of behavior and discipline  
12          uniformly and fairly to each student at the school without partiality or  
13          discrimination.

14       (g) A copy of the code of behavior and discipline adopted by the board of  
15          education shall be posted at each school. Guidance counselors shall be  
16          provided copies for discussion with students. The code shall be referenced in  
17          all school handbooks. All school employees and parents, legal guardians, or  
18          other persons exercising custodial control or supervision shall be provided  
19          copies of the code.