

1 AN ACT relating to corporal punishment in schools.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 158.440 TO 158.449 IS CREATED  
4 TO READ AS FOLLOWS:

5 *(1) As used in this section, "corporal punishment":*

6 *(a) Means the deliberate infliction of severe physical pain on a student by any*  
7 *means intended to punish or discipline the student, including but not*  
8 *limited to paddling, striking, shaking, or spanking; and*

9 *(b) Does not include:*

10 *1. Spontaneous physical contact intended to protect a student from*  
11 *immediate danger; and*

12 *2. Reasonable athletic and military training.*

13 *(2) School district employees, nonfaculty coaches, and nonfaculty assistants as*  
14 *described in KRS 161.185, shall not use corporal punishment on any student.*

15 ➔Section 2. KRS 158.444 is amended to read as follows:

16 (1) The Kentucky Board of Education shall promulgate appropriate administrative  
17 regulations relating to school safety, student discipline, and related matters.

18 (2) The Kentucky Department of Education shall:

19 (a) Collaborate with the Center for School Safety in carrying out the center's  
20 mission;

21 (b) Establish and maintain a statewide data collection system by which school  
22 districts shall report by sex, race, and grade level:

23 1. a. All incidents of violence and assault against school employees and  
24 students;

25 b. All incidents of possession of guns or other deadly weapons on  
26 school property or at school functions;

27 c. All incidents of the possession or use of alcohol, prescription

- 1                   drugs, or controlled substances on school property or at school  
2                   functions; and
- 3                   d. All incidents in which a student has been disciplined by the school  
4                   for a serious incident, including the nature of the discipline, or  
5                   charged criminally for conduct constituting a violation of any  
6                   offense specified in KRS Chapter 508; KRS 525.070 occurring on  
7                   school premises, on school-sponsored transportation, or at school  
8                   functions; or KRS 525.080;
- 9                   2. The number of arrests, the charges, and whether civil damages were  
10                  pursued by the injured party;
- 11                  3. The number of suspensions and~~[,]~~ expulsions~~[, and corporal~~  
12                  punishments]; and
- 13                  4. Data required during the assessment process under KRS 158.445; and
- 14                  (c) Provide all data collected relating to this subsection to the Center for School  
15                  Safety according to timelines established by the center.
- 16                  (3) The Department of Education shall provide the Office of Education Accountability  
17                  and the Education Assessment and Accountability Review Subcommittee with an  
18                  annual statistical report of the number and types of incidents reported under  
19                  subsection (2)(b) of this section. The report shall include all monthly data and  
20                  cumulative data for each reporting year. Reportable incidents shall be grouped in  
21                  the report in the same manner that the reportable incidents are grouped in  
22                  subsection (2)(b)1. of this section. Data in the report shall be sorted by individual  
23                  school district, then by individual schools within that district, and then by individual  
24                  grades within each school. The report shall not contain information personally  
25                  identifying any student. The reporting period shall be for an academic year, and  
26                  shall be delivered no later than August 31 of each year.
- 27                  (4) All personally identifiable student data collected pursuant to subsection (2)(b) of

1 this section shall be subject to the confidentiality provisions of the Kentucky Family  
2 Education Rights and Privacy Act, KRS 160.700 to 160.730, and to the federal  
3 Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and its  
4 implementing regulations.

5 (5) Parents, legal guardians, or other persons exercising custodial control or supervision  
6 shall have the right to inspect or challenge the personally identifiable student  
7 records as permitted under the Kentucky Family Education Rights and Privacy Act  
8 and the federal Family Educational Rights and Privacy Act and implementing  
9 regulations.

10 (6) Data collected under this section on an individual student committing an incident  
11 reportable under subsection (2)(b)1. of this section shall be placed in the student's  
12 disciplinary record.

13 ➔Section 3. KRS 503.110 is amended to read as follows:

14 (1) The use of physical force by a defendant upon another person is justifiable when the  
15 defendant is a parent, guardian,~~[or]~~ other person entrusted with the care and  
16 supervision of a minor or an incompetent person, ~~or [when the defendant is a~~  
17 ~~teacher or]~~ other person entrusted with the care and supervision of a minor~~;~~ for a  
18 special purpose, and:

19 (a) The defendant believes that the force used is necessary to promote the welfare  
20 of a minor or mentally disabled person or, if the defendant's responsibility for  
21 the minor or mentally disabled person is for a special purpose, to further that  
22 special purpose~~[ or maintain reasonable discipline in a school, class, or other~~  
23 ~~group];~~ and

24 (b) The force that is used is not designed to cause or known to create a substantial  
25 risk of causing death, serious physical injury, disfigurement, extreme pain, or  
26 extreme mental distress.

27 (2) The use of physical force by a defendant upon another person is justifiable when the

- 1 defendant is a warden or other authorized official of a correctional institution, and:
- 2 (a) The defendant believes that the force used is necessary for the purpose of  
3 enforcing the lawful rules of the institution;
- 4 (b) The degree of force used is not forbidden by any statute governing the  
5 administration of the institution; and
- 6 (c) If deadly force is used, its use is otherwise justifiable under this code.
- 7 (3) The use of physical force by a defendant upon another person is justifiable when the  
8 defendant is a person responsible for the operation of or the maintenance of order in  
9 a vehicle or other carrier of passengers and the defendant believes that such force is  
10 necessary to prevent interference with its operation or to maintain order in the  
11 vehicle or other carrier, except that deadly physical force may be used only when  
12 the defendant believes it necessary to prevent death or serious physical injury.
- 13 (4) The use of physical force by a defendant upon another person is justifiable when the  
14 defendant is a doctor or other therapist or a person assisting him at his direction,  
15 and:
- 16 (a) The force is used for the purpose of administering a recognized form of  
17 treatment which the defendant believes to be adapted to promoting the  
18 physical or mental health of the patient; and
- 19 (b) The treatment is administered with the consent of the patient or, if the patient  
20 is a minor or a mentally disabled person, with the consent of the parent,  
21 guardian, or other person legally competent to consent in his behalf, or the  
22 treatment is administered in an emergency when the defendant believes that  
23 no one competent to consent can be consulted and that a reasonable person,  
24 wishing to safeguard the welfare of the patient, would consent.