

1 AN ACT relating to discipline of students.

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

3 ➔Section 1. KRS 158.150 is amended to read as follows:

4 (1) All students~~[pupils]~~ admitted to the common schools shall comply with the lawful
5 regulations for the government of the schools:

6 (a) Willful disobedience or defiance of the authority of the teachers or
7 administrators, use of profanity or vulgarity, assault or battery or abuse of
8 other students, the threat of force or violence, the use or possession of alcohol
9 or drugs, stealing or destruction or defacing of school property or personal
10 property of students, the carrying or use of weapons or dangerous instruments,
11 or other incorrigible bad conduct on school property, as well as off school
12 property at school-sponsored activities, constitutes cause for suspension or
13 expulsion from school; and

14 (b) Assault or battery or abuse of school personnel; stealing or willfully or
15 wantonly defacing, destroying, or damaging the personal property of school
16 personnel on school property, off school property, or at school-sponsored
17 activities constitutes cause for suspension or expulsion from school.

18 (2) (a) Each local board of education shall adopt a policy requiring the expulsion
19 from school for a period of at least twelve (12) months~~[not less than one (1)~~
20 ~~year]~~ for a student who:

21 1. Is determined by the board through clear and convincing evidence to
22 have made threats that pose a danger to the well-being of students,
23 faculty, or staff of the district; or

24 2. Is determined by the board to have brought a weapon to a school under
25 its jurisdiction. In determining whether a student has brought a weapon
26 to school, a local board of education shall use the definition of "unlawful
27 possession of a weapon on school property" stated in KRS 527.070.

1 (b) The board shall also adopt a policy requiring disciplinary actions, up to and
2 including expulsion from school, for a student who is determined by the board
3 to have:

4 1. Possessed prescription drugs or controlled substances for the purpose of
5 sale or distribution at a school under the board's jurisdiction; ~~[-, or to~~
6 ~~have]~~

7 2. Physically assaulted or battered or abused educational personnel or other
8 students at a school or school function under the board's jurisdiction; or

9 3. *Physically assaulted, battered, or abused educational personnel or*
10 *other students off school property and the incident is likely to*
11 *substantially disrupt the educational process.*

12 (3) (a) The board may modify the expulsion requirement *and length* for students on a
13 case-by-case basis, *except the length of expulsion shall be twelve (12)*
14 *months or longer for the reason described in subsection (2)(a) of this*
15 *section.*

16 (b) *Nothing in this section shall prohibit a board from expelling a student for*
17 *longer than twelve (12) months.*

18 (c) A board that has expelled a student from the student's regular school setting
19 shall provide or *ensure* ~~[assure]~~ that educational services are provided to the
20 student in an appropriate alternative program or setting, unless the board has
21 made a determination, on the record, supported by clear and convincing
22 evidence, that the expelled student posed a threat to the safety of other
23 students or school staff and could not be placed into a state-funded agency
24 program. Behavior which constitutes a threat shall include but not be limited
25 to the physical assault, battery, or abuse of others; the threat of physical force;
26 being under the influence of drugs or alcohol; the use, possession, sale, or
27 transfer of drugs or alcohol; the carrying, possessing, or transfer of weapons

1 or dangerous instruments; and any other behavior which may endanger the
2 safety of others. Other intervention services as indicated for each student may
3 be provided by the board or by agreement with the appropriate state or
4 community agency. A state agency that provides the service shall be
5 responsible for the cost.

- 6 (d) 1. In lieu of expelling a student, or upon the expiration of a student's
7 expulsion, a superintendent may place a student into an alternative
8 program or setting if the superintendent determines placement of the
9 student in his or her regular school setting is likely to substantially
10 disrupt the education process or constitutes a threat to the safety of
11 other students or school staff. The action shall not be taken until the
12 parent, guardian, or other person having legal custody or control of
13 the student has had an opportunity to have a hearing before the board.
- 14 2. The alternative program or setting may be provided virtually.
- 15 3. Notwithstanding any other statute or administrative regulation to the
16 contrary, students placed in an alternative program or setting under
17 this paragraph shall be counted in attendance and membership for
18 state funding purposes in the same manner as other students
19 participating in alternative programs of the district.
- 20 4. Students placed in an alternative program or setting under this
21 paragraph shall be subject to compulsory attendance requirements
22 under KRS Chapter 159 and applicable local board policy.
- 23 5. Following the initial alternative placement of a student under this
24 paragraph, the board shall review the alternative program or setting
25 placement at least once per year and determine if the placement
26 should be continued in accordance with subparagraph 1. of this
27 paragraph.

1 ~~(4)~~~~(3)~~ For purposes of this subsection, "charges" means substantiated behavior that
2 falls within the grounds for suspension or expulsion enumerated in subsection (1) of
3 this section, including behavior committed by a student while enrolled in a private
4 or public school, or in a school within another state. A school board may adopt a
5 policy providing that, if a student is suspended or expelled for any reason or faces
6 charges that may lead to suspension or expulsion but withdraws prior to a hearing
7 from any public or private school in this or any other state, the receiving district
8 may review the details of the charges, suspension, or expulsion and determine if the
9 student will be admitted, and if so, what conditions may be imposed upon the
10 admission, which may include placement of the student into an alternative
11 program or setting as described in subsection (3)(d) of this section.

12 ~~(5)~~~~(4)~~ (a) School administrators, teachers, or other school personnel may
13 immediately remove or cause to be removed threatening or violent students
14 from a classroom setting or from the district transportation system pending
15 any further disciplinary action that may occur. Each board of education shall
16 adopt a policy to assure the implementation of this section and to assure the
17 safety of the students and staff.

18 (b) Except as described in subsection (10) of this section:

19 1. When a student violates a school behavior policy and is disruptive to
20 the classroom environment and education process, a teacher may
21 immediately remove or cause to be removed the student from the
22 classroom, and the student shall not reenter the same classroom for
23 the remainder of the school day without the agreement of the teacher
24 and the principal or assistant principal. In addition to removal, the
25 student shall be subject to further discipline for the behavior
26 consistent with the school's code of conduct.

27 2. A student who is removed from the same classroom three (3) times

- 1 within a thirty (30) day period shall be considered chronically
2 disruptive and may be suspended from school in accordance with this
3 section, and no other basis for suspension shall be deemed necessary.
- 4 3. At any time during the school year, for a student who has been
5 removed from the classroom under this paragraph, a principal may
6 require a review of the classroom issues with the teacher and the
7 parent, guardian, or other person having legal custody or control of
8 the student and determine a course of action for the teacher and
9 student regarding the student's continued placement in the classroom.
- 10 4. At any time during the school year, a principal may permanently
11 remove a student from a classroom for the remainder of the school
12 year if the principal determines the student's continued placement in
13 the classroom will chronically disrupt the education process for other
14 students.
- 15 5. When a student is removed from a classroom under this paragraph
16 temporarily or permanently, the principal shall determine the
17 placement of the student in lieu of that classroom, which may include
18 but is not limited to:
- 19 1. Another classroom in that school; or
20 2. An alternative program or setting, which may be provided
21 virtually, as approved by the superintendent.
- 22 6. Any permanent action by a principal under this paragraph shall be
23 subject to an appeal process in accordance with a policy adopted by
24 the board.
- 25 7. Policies compliant of this paragraph shall be included in the code of
26 behavior and discipline adopted by the board of education under KRS
27 158.148 and the policies adopted by the school council under KRS

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160.345.

~~(6)~~~~(5)~~ A student~~[pupil]~~ shall not be suspended from the common schools until after at least the following due process procedures have been provided:

- (a) The student~~[pupil]~~ has been given oral or written notice of the charge or charges against him **or her** which constitute cause for suspension;
- (b) The student~~[pupil]~~ has been given an explanation of the evidence of the charge or charges if the student~~[pupil]~~ denies them; and
- (c) The student~~[pupil]~~ has been given an opportunity to present his **or her** own version of the facts relating to the charge or charges.

These due process procedures shall precede any suspension from the common schools unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing academic process. In such cases, the due process procedures outlined above shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

~~(7)~~~~(6)~~ **(a)** The superintendent, principal, assistant principal, or head teacher of any school may suspend a student~~[pupil]~~ but shall report the action in writing immediately to the superintendent and to the parent, guardian, or other person having legal custody or control of the student~~[pupil]~~.

(b) 1. The board of education of any school district may expel **or extend the expulsion of** any student~~[pupil]~~ for misconduct as **described**~~[defined]~~ in subsection (1) of this section, but the action shall not be taken until the parent, guardian, or other person having legal custody or control of the student~~[pupil]~~ has had an opportunity to have a hearing before the board. The decision of the board shall be final.

2. Within thirty (30) days prior to the end of a student's expulsion, the board shall review the details of the expulsion and current factors and circumstances, including if ending the expulsion will substantially

1 *disrupt the education process or constitute a threat to the safety of*
2 *students or school staff, to determine if the expulsion shall be*
3 *extended for a period not to exceed twelve (12) months.*

4 *3. The expulsion review process shall be used prior to the end of each*
5 *expulsion period until the board ends the expulsion or the student is*
6 *no longer subject to compulsory attendance under KRS 159.010.*

7 *4. Each board of education shall adopt a policy for implementation of*
8 *the process described in this paragraph.*

- 9 ~~(8)~~~~(7)~~ (a) Suspension of exceptional children, as defined in KRS 157.200, shall be
10 considered a change of educational placement if:
- 11 1. The child is removed for more than ten (10) consecutive days during a
12 school year; or
- 13 2. The child is subjected to a series of removals that constitute a pattern
14 because the removals accumulate to more than ten (10) school days
15 during a school year and because of other factors, such as the length of
16 each removal, the total amount of time the child is removed, and the
17 proximity of removals to one another.
- 18 (b) The admissions and release committee shall meet to review the placement and
19 make a recommendation for continued placement or a change in placement
20 and determine whether regular suspension or expulsion procedures apply.
21 Additional evaluations shall be completed, if necessary.
- 22 (c) If the admissions and release committee determines that an exceptional child's
23 behavior is related to his *or her* disability, the child shall not be suspended
24 any further or expelled unless the current placement could result in injury to
25 the child, other children, or the educational personnel, in which case an
26 appropriate alternative placement shall be provided that will provide for the
27 child's educational needs and will provide a safe learning and teaching

1 environment for all. If the admissions and release committee determines that
2 the behavior is not related to the disability, the local educational agency may
3 pursue its regular suspension or expulsion procedure for the child, if the
4 behavior so warrants. However, educational services shall not be terminated
5 during a period of expulsion and during a suspension after a student is
6 suspended for more than a total of ten (10) days during a school year. A
7 district may seek temporary injunctive relief through the courts if the parent
8 and the other members of the admissions and release committee cannot agree
9 upon a placement and the current placement will likely result in injury to the
10 student or others.

11 ~~(9)~~⁽⁸⁾ Suspension of primary school students shall be considered only in exceptional
12 cases where there are safety issues for the child or others.

13 ~~(10)~~⁽⁹⁾ Any action under this section related to students with disabilities shall be in
14 compliance with applicable federal law.