

1 AN ACT relating to education and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, "harmful to minors" means material that:*

6 *(a) Contains the exposure, in an obscene manner, of the unclothed or*
7 *apparently unclothed human male or female genitals, pubic area, or*
8 *buttocks or the female breast, or visual depictions of sexual acts or*
9 *simulations of sexual acts, or explicit written descriptions of sexual acts;*

10 *(b) Taken as a whole, appeals to the prurient interest in sex; or*

11 *(c) Is patently offensive to prevailing standards regarding what is suitable*
12 *material for minors.*

13 *(2) No later than July 1, 2023, each local board of education shall adopt a complaint*
14 *resolution policy for its local school system to be used to address complaints*
15 *submitted by parents or guardians alleging that material that is harmful to*
16 *minors has been provided or is currently available to a student enrolled in the*
17 *local school system who is the child of the parent or guardian. The complaint*
18 *resolution process shall require that:*

19 *(a) Complaints be submitted in writing to the principal of the school where the*
20 *student is enrolled;*

21 *(b) Complaints provide the name of the complainant, a reasonably detailed*
22 *description of the material that is alleged to be harmful to minors, and how*
23 *the material is believed to be harmful to minors;*

24 *(c) Within seven (7) business days of receiving a written complaint, the school*
25 *principal shall review the complaint and take reasonable steps to investigate*
26 *the allegations in the complaint, including but not limited to reviewing the*
27 *material that is alleged to be harmful to minors;*

1 (d) The school principal shall determine whether the material that is the subject
2 of the complaint is harmful to minors;

3 (e) The school principal shall determine whether student access to the material
4 that is the subject of the complaint shall remain or be restricted, or that the
5 material will be removed from the school;

6 (f) Within ten (10) business days of receiving the complaint, unless another
7 schedule is mutually agreed to by the parent or guardian and the school
8 principal, the school principal shall confer with the parent or guardian and
9 inform him or her whether the material that is the subject of the complaint
10 was determined to be harmful to minors and whether student access to such
11 material will remain or be restricted, or that the material will be removed
12 from the school;

13 (g) Appeals of the school principal's determination provided for in paragraphs
14 (d) and (e) of this subsection shall be subject to full administrative and
15 substantive review by the local board of education, which shall also include
16 an opportunity for the parent or guardian to provide input during public
17 comment at a local board of education meeting. Unless another time frame
18 is mutually agreed upon by the parent or guardian and the local board of
19 education, the review and final disposition of the appeal by the local board
20 of education shall be completed within thirty (30) calendar days of receiving
21 the written appeal. The board's final disposition shall state whether the
22 material was determined to be harmful to minors and whether student
23 access to such material will remain or be restricted, or that the material will
24 be removed from the school; and

25 (h) Within fifteen (15) business days from the date of a final disposition, the
26 title of the material submitted for appeal pursuant to paragraph (g) of this
27 subsection, whether the material was determined to be harmful to minors,

1 and whether student access to such material will remain or be restricted, or
2 that the material will be removed from the school shall be published on the
3 website of the local board of education and shall remain on the website. A
4 parent or guardian may request access to appealed materials and shall
5 abide by the school's policies and procedures when requesting and
6 reviewing such material.

7 (3) A parent or guardian may request in writing to the school, after final disposition
8 is determined by the board as provided for in subsection (2)(g) of this section, that
9 the school ensure his or her student does not have access to the material the
10 parent or guardian believes to be harmful to minors but was allowed to remain in
11 the school.

12 (4) The school shall ensure that the student whose parent or guardian has made a
13 request as provided for in subsection (3) of this section does not have access to
14 the material the parent or guardian believes to be harmful to minors.

15 (5) No later than May 1, 2023, the Department of Education shall promulgate a
16 model policy for a complaint resolution process that meets the requirements of
17 subsections (2) to (4) of this section.

18 ➔Section 2. Whereas it is imperative that materials that are harmful to minors not
19 be made available to students within the schools of the Commonwealth, an emergency is
20 declared to exist, and this Act takes effect upon its passage and approval by the Governor
21 or upon its otherwise becoming a law.