

1 AN ACT relating to school personnel.

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

3 ➔Section 1. KRS 161.155 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Teacher" shall mean any person for whom certification is required as a basis  
6 of employment in the common schools of the state;

7 (b) "Employee" shall mean any person, other than a teacher, employed in the  
8 public schools, whether on a full or part-time basis;

9 (c) "Immediate family" shall mean the teacher's or employee's spouse, children  
10 including stepchildren and foster children, grandchildren, daughters-in-law  
11 and sons-in law, brothers and sisters, parents and spouse's parents, and  
12 grandparents and spouse's grandparents, without reference to the location or  
13 residence of said relative, and any other blood relative who resides in the  
14 teacher's or employee's home;

15 (d) "Sick leave bank" shall mean an aggregation of sick leave days contributed by  
16 teachers or employees for use by teachers or employees who have exhausted  
17 all sick leave and other available paid leave days; and

18 (e) "Assault" shall mean an act that intentionally or wantonly causes physical  
19 injury~~[ so significant that the victim is determined to be, by certification of a~~  
20 ~~physician or surgeon duly qualified under KRS Chapter 342, incapable of~~  
21 ~~performing the duties of his or her job].~~

22 (2) Each district board of education shall allow to each teacher and full-time employee  
23 in its common school system not less than ten (10) days of sick leave during each  
24 school year, without deduction of salary. Sick leave shall be granted to a teacher or  
25 employee if he or she presents a personal statement or a certificate of a physician  
26 stating that the teacher or employee was ill, that the teacher or employee was absent  
27 for the purpose of attending to a member of his or her immediate family who was

1 ill, or for the purpose of mourning a member of his or her immediate family. The  
 2 ten (10) days of sick leave granted in this subsection may be taken by a teacher or  
 3 employee on any ten (10) days of the school year and shall be granted in addition to  
 4 accumulated sick leave days that have been credited to the teacher or employee  
 5 under the provisions of subsection (4) of this section.

6 (3) **(a)** A school district shall coordinate among the income and benefits from  
 7 workers' compensation, temporary disability retirement, and district payroll  
 8 and benefits so that there is no loss of income or benefits to a teacher or  
 9 employee for work time lost because of an assault while performing the  
 10 teacher's or employee's assigned duties for a period of:

11 **1. Sixty (60) school days after an assault; and**

12 **2. Up to one (1) year after ~~an~~<sup>the</sup> assault *that causes a physical injury so***  
 13 ***significant that the victim is determined to be incapable of performing***  
 14 ***the duties of his or her job, as certified by a physician or surgeon duly***  
 15 ***qualified under KRS Chapter 342.***

16 **(b)** In the event a teacher or employee suffers an assault while performing his or  
 17 her assigned duties~~[ that results in injuries that qualify the teacher or~~  
 18 ~~employee for workers' compensation benefits]~~, the district shall provide leave  
 19 to the teacher or employee~~[ for up to one (1) year after the assault]~~ with no  
 20 loss of income or benefits **for:**

21 **1. Sixty (60) school days after an assault; and**

22 **2. Up to one (1) year after an assault that causes a physical injury so**  
 23 ***significant that the victim is determined to be incapable of performing***  
 24 ***the duties of his or her job, as certified by a physician or surgeon duly***  
 25 ***qualified under KRS Chapter 342.***

26 **(c) Leave provided in accordance with paragraph (b) of this subsection shall be**  
 27 **subject to**~~[ under]~~ the following conditions:

1           ~~1.[(a)]~~     The district shall pay the salary of the teacher or employee  
2                    between the time of the assault and the time the teacher's or employee's  
3                    workers' compensation income benefits take effect, or the time the **leave**  
4                    **is exhausted**~~[teacher or employee is certified to return to work by a~~  
5                    ~~physician or surgeon duly qualified under KRS Chapter 342]~~, whichever  
6                    is sooner;

7           ~~2.[(b)]~~     The district shall pay, for **the entire duration of leave**~~[up to one~~  
8                    ~~(1) year from the time of the assault]~~, the difference between the salary  
9                    of the teacher or employee and any workers' compensation income  
10                   benefits received by the teacher or employee resulting from the assault.  
11                   Payments by the district shall include payments for intermittent work  
12                   time missed as a result of the assault during the **leave**~~[one (1) year]~~  
13                   period.~~[ If the teacher's or employee's workers' compensation income~~  
14                   ~~benefits cease during the one (1) year period after the assault, the district~~  
15                   ~~shall also cease to make payments under this paragraph];~~

16           ~~3.[(c)]~~     The Commonwealth, through the Kentucky Department of  
17                   Education, shall make the employer's health insurance contribution  
18                   during the period that the district makes payments under **subparagraphs**  
19                   **1. and 2.**~~[paragraphs (a) and (b)]~~ of this **paragraph**~~[subsection];~~

20           ~~4.[(d)]~~     The Commonwealth, through the Kentucky Department of  
21                   Education, shall make the employer's contribution to the retirement  
22                   system in which the teacher or employee is a member during the period  
23                   that the district makes payments under **subparagraphs 1. and**  
24                   **2.**~~[paragraphs (a) and (b)]~~ of this **paragraph**~~[subsection];~~~~[ and]~~

25           ~~5.[(e)]~~     Payments to a teacher or employee under **subparagraphs 1. and**  
26                   **2.**~~[paragraphs (a) and (b)]~~ of this **paragraph**~~[subsection]~~ shall be  
27                   coordinated with workers' compensation benefits under KRS Chapter

1           342, disability retirement benefits for teachers under KRS 161.661 to  
 2           161.663, and disability retirement benefits for employees under KRS  
 3           61.600 to 61.621 and 78.5522, 78.5524, 78.5526, 78.5528, and 78.5530  
 4           so that the teacher or employee receives income equivalent to his or her  
 5           full contracted salary, but in no event shall the combined payments  
 6           exceed one hundred percent (100%) of the teacher's or employee's full  
 7           contracted salary; and

8           6. The district shall pay for the costs of counseling services for the  
 9           teacher or employee at the licensed or certified mental health  
 10           professional of the teacher's or employee's choosing for the duration  
 11           of the leave period.

12 (4) Days of sick leave not taken by an employee or a teacher during any school year  
 13 shall accumulate without limitation and be credited to that employee or teacher.  
 14 Accumulated sick leave may be taken in any school year. Any district board of  
 15 education may, in its discretion, allow employees or teachers in its common school  
 16 system sick leave in excess of the number of days prescribed in this section and  
 17 may allow school district employees and teachers to use up to three (3) days' sick  
 18 leave per school year for emergency leave pursuant to KRS 161.152(3). Any  
 19 accumulated sick leave days credited to an employee or a teacher shall remain so  
 20 credited in the event he or she transfers his or her place of employment from one (1)  
 21 school district to another within the state or to the Kentucky Department of  
 22 Education or transfers from the Department of Education to a school district.

23 (5) Accumulated days of sick leave shall be granted to a teacher or employee if, prior to  
 24 the opening day of the school year, a statement or a certificate of a physician is  
 25 presented to the district board of education, stating that the teacher or employee is  
 26 unable to commence his or her duties on the opening day of the school year, but  
 27 will be able to assume his or her duties within a period of time that the board

1 determines to be reasonable.

2 (6) Any school teacher or employee may repurchase previously used sick leave days  
3 with the concurrence of the local school board by paying to the district an amount  
4 equal to the total of all costs associated with the used sick leave.

5 (7) A district board of education may adopt a plan for a sick leave bank. The plan may  
6 include limitations upon the number of days a teacher or employee may annually  
7 contribute to the bank and limitations upon the number of days a teacher or  
8 employee may annually draw from the bank. Only those teachers or employees who  
9 contribute to the bank may draw upon the bank. Days contributed will be deducted  
10 from the days available to the contributing teacher or employee. The sick leave  
11 bank shall be administered in accordance with a policy adopted by the board of  
12 education.

13 (8) (a) A district board of education shall establish a sick leave donation program to  
14 permit teachers or employees to voluntarily contribute sick leave to teachers  
15 or employees in the same school district who are in need of an extended  
16 absence from school. A teacher or employee who has accrued more than  
17 fifteen (15) days' sick leave may request the board of education to transfer a  
18 designated amount of sick leave to another teacher or employee who is  
19 authorized to receive the sick leave donated. A teacher or employee may not  
20 request an amount of sick leave be donated that reduces his or her sick leave  
21 balance to less than fifteen (15) days.

22 (b) A teacher or employee may receive donations of sick leave if:

23 1. a. The teacher or employee or a member of his or her immediate  
24 family suffers from a medically certified illness, injury,  
25 impairment, or physical or mental condition that has caused or is  
26 likely to cause the teacher or employee to be absent for at least ten  
27 (10) days; or

- 1           b. The teacher or employee suffers from a catastrophic loss to his or  
2           her personal or real property, due to either a natural disaster or fire,  
3           that either has caused or will likely cause the employee to be  
4           absent for at least ten (10) consecutive working days;
- 5           2. The teacher's or employee's need for the absence and use of leave are  
6           certified by a licensed physician for leave requested under subparagraph  
7           1.a. of this subsection;
- 8           3. The teacher or employee has exhausted his or her accumulated sick  
9           leave, personal leave, and any other leave granted by the school district;  
10          and
- 11          4. The teacher or employee has complied with the school district's policies  
12          governing the use of sick leave.
- 13          (c) While a teacher or employee is on sick leave provided by this section, he or  
14          she shall be considered a school district employee, and his or her salary,  
15          wages, and other employee benefits shall not be affected.
- 16          (d) Any sick leave that remains unused, is not needed by a teacher or employee,  
17          and will not be needed in the future shall be returned to the teacher or  
18          employee donating the sick leave.
- 19          (e) The board of education shall adopt policies and procedures necessary to  
20          implement the sick leave donation program.
- 21          (9) A teacher or employee may use up to thirty (30) days of sick leave following the  
22          birth or adoption of a child or children. Additional days may be used when the need  
23          is verified by a physician's statement.
- 24          (10) (a) ~~[After July 1, 1982, ]~~A district board of education may compensate, at the  
25          time of retirement or upon the death of a member in active contributing status  
26          at the time of death who was eligible to retire by reason of service, an  
27          employee or a teacher, or the estate of an employee or teacher, for each

1 unused sick leave day. The rate of compensation for each unused sick leave  
2 day shall be based on a percentage of the daily salary rate calculated from the  
3 employee's or teacher's last annual salary, not to exceed thirty percent (30%).

4 (b) Except as provided in paragraph (c) of this subsection, payment for unused  
5 sick leave days under this subsection shall be incorporated into the annual  
6 salary of the final year of service for inclusion in the calculation of the  
7 employee's or teacher's retirement allowance only at the time of his or her  
8 initial retirement, provided that the member makes the regular retirement  
9 contribution for members on the sick leave payment. The accumulation of  
10 these days includes unused sick leave days held by the employee or teacher at  
11 the time of implementation of the program.

12 (c) For a teacher or employee who becomes a nonuniversity member of the  
13 Teachers' Retirement System on or after January 1, 2022, as provided by KRS  
14 161.220, payment for unused sick leave days under this subsection shall not  
15 be incorporated into the annual compensation used to calculate the teacher's or  
16 employee's retirement allowance in the foundational benefit component as  
17 described by KRS 161.633 but may be deposited into the nonuniversity  
18 member's supplemental benefit component as provided by KRS 161.635.

19 (d) For a teacher or employee who begins employment with a local school district  
20 on or after July 1, 2008, the maximum amount of unused sick leave days a  
21 district board of education may recognize in calculating the payment of  
22 compensation to the teacher or employee under this subsection shall not  
23 exceed three hundred (300) days.

24 (11) Any statute to the contrary notwithstanding, employees and teachers who  
25 transferred from the Department of Education to a school district, from a school  
26 district to the Department of Education, or from one (1) school district to another  
27 school district after July 15, 1981, shall receive credit for any unused sick leave to

1 which the employee or teacher was entitled on the date of transfer. This credit shall  
2 be for the purposes set forth in subsection (10) of this section.

3 (12) The death benefit provided in subsection (10) of this section may be cited as the  
4 Baughn Benefit.

5 ➔Section 2. KRS 158.150 is amended to read as follows:

6 (1) All students admitted to the common schools shall comply with the lawful  
7 regulations for the government of the schools:

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

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

20 (2) (a) Each local board of education shall adopt a policy requiring the expulsion  
21 from school for a period of at least twelve (12) months for a student who is  
22 **determined by the board:**

23 1. ~~[Is determined by the board]~~ Through clear and convincing evidence to  
24 have made threats that pose a danger to the well-being of students,  
25 faculty, or staff of the district; ~~[or]~~

26 2. ~~[Is determined by the board]~~ To have brought a weapon to a school  
27 under its jurisdiction. In determining whether a student has brought a



1            weapon to school, a local board of education shall use the definition of  
 2            "unlawful possession of a weapon on school property" stated in KRS  
 3            527.070;

4            **3. To have physically assaulted educational personnel at a school or**  
 5            **school function under the board's jurisdiction; or**

6            **4. To have physically assaulted educational personnel off school**  
 7            **property and the incident is likely to substantially disrupt the**  
 8            **educational process.**

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

12           1. Possessed prescription drugs or controlled substances for the purpose of  
 13           sale or distribution at a school under the board's jurisdiction;

14           2. Physically assaulted~~[ or battered or abused educational personnel or]~~  
 15           other students at a school or school function under the board's  
 16           jurisdiction; or

17           3. Physically assaulted~~[, battered, or abused educational personnel or]~~  
 18           other students off school property and the incident is likely to  
 19           substantially disrupt the educational process.

20           (3) (a) **Except as provided in paragraph (b) of this subsection,** the board may  
 21           modify the expulsion requirement and length for students on a case-by-case  
 22           basis, except the length of expulsion shall be at least twelve (12) months for a  
 23           violation set forth in subsection (2)(a) of this section.

24           **(b) In the case of students who have violated subsection (2)(a)3. or 4. of this**  
 25           **section, the board shall not modify the expulsion requirement or length**  
 26           **unless the victim of the assault consents to the modification. The victim may**  
 27           **issue conditional consent, the terms of which, if ratified by the board by**

1                   *virtue of issuing a modification, shall be honored until the student ceases to*  
 2                   *be enrolled in the school or the victim ceases to be employed at the school,*  
 3                   *whichever occurs first. A school district shall not retaliate against a victim,*  
 4                   *coerce a victim to consent to a modification, or otherwise exercise undue*  
 5                   *influence over the terms of that consent.*

6           (c)(b) Nothing in this section shall prohibit a board from expelling a student  
 7                   for longer than twelve (12) months.

8           (d)(e) A board that has expelled a student from the student's regular school  
 9                   setting shall provide or ensure that educational services are provided to the  
 10                  student in an appropriate alternative program or setting, unless the board has  
 11                  made a determination, on the record, supported by clear and convincing  
 12                  evidence, that the expelled student posed a threat to the safety of other  
 13                  students or school staff and could not be placed into a state-funded agency  
 14                  program. Behavior which constitutes a threat shall include but not be limited  
 15                  to the physical assault, ~~battery, or abuse~~ of others; the threat of physical  
 16                  force; being under the influence of drugs or alcohol; the use, possession, sale,  
 17                  or transfer of drugs or alcohol; the carrying, possessing, or transfer of  
 18                  weapons or dangerous instruments; and any other behavior which may  
 19                  endanger the safety of others. Other intervention services as indicated for each  
 20                  student may be provided by the board or by agreement with the appropriate  
 21                  state or community agency. A state agency that provides the service shall be  
 22                  responsible for the cost.

23           (e)(d) 1. In lieu of expelling a student, or upon the expiration of a student's  
 24                   expulsion, a superintendent may place a student into an alternative  
 25                   program or setting if the superintendent determines placement of the  
 26                   student in his or her regular school setting is likely to substantially  
 27                   disrupt the education process or constitutes a threat to the safety of other

- 1 students or school staff. The action shall not be taken until the parent,  
2 guardian, or other person having legal custody or control of the student  
3 has had an opportunity to have a hearing before the board or an appeals  
4 committee as described in subparagraph 2. of this paragraph.
- 5 2. The board may adopt a policy to establish an appeals committee and  
6 delegate the authority to hear appeals made under this paragraph to that  
7 committee.
- 8 3. The alternative program or setting may be provided virtually.
- 9 4. Notwithstanding any other statute or administrative regulation to the  
10 contrary, students placed in an alternative program or setting under this  
11 paragraph shall be counted in attendance and membership for state  
12 funding purposes in the same manner as other students participating in  
13 alternative programs of the district.
- 14 5. Students placed in an alternative program or setting under this paragraph  
15 shall be subject to compulsory attendance requirements under KRS  
16 Chapter 159 and applicable local board policy.
- 17 6. Following the initial alternative placement of a student under this  
18 paragraph, the board shall review the alternative program or setting  
19 placement at least once per year and determine if the placement should  
20 be continued in accordance with subparagraph 1. of this paragraph.
- 21 (4) For purposes of this subsection, "charges" means substantiated behavior that falls  
22 within the grounds for suspension or expulsion enumerated in subsection (1) of this  
23 section, including behavior committed by a student while enrolled in a private or  
24 public school, or in a school within another state. A school board may adopt a  
25 policy providing that, if a student is suspended or expelled for any reason or faces  
26 charges that may lead to suspension or expulsion but withdraws prior to a hearing  
27 from any public or private school in this or any other state, the receiving district

1           may review the details of the charges, suspension, or expulsion and determine if the  
2           student will be admitted, and if so, what conditions may be imposed upon the  
3           admission, which may include placement of the student into an alternative program  
4           or setting as described in subsection (3)(~~e~~)(~~d~~) of this section.

5       (5) (a) School administrators, teachers, or other school personnel may immediately  
6           remove or cause to be removed threatening or violent students from a  
7           classroom setting or from the district transportation system pending any  
8           further disciplinary action that may occur. Each board of education shall adopt  
9           a policy to assure the implementation of this section and to assure the safety  
10          of the students and staff.

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

12           1. A principal may establish procedures for a student's removal from and  
13           reentry to the classroom when the student's behavior disrupts the  
14           classroom environment and education process or the student challenges  
15           the authority of a supervising adult. In addition to removal, the student  
16           shall be subject to further discipline for the behavior consistent with the  
17           school's code of conduct.

18           2. A student who is removed from the same classroom three (3) times  
19           within a thirty (30) day period shall be considered chronically disruptive  
20           and may be suspended from school in accordance with this section, and  
21           no other basis for suspension shall be deemed necessary.

22           3. At any time during the school year, for a student who has been removed  
23           from the classroom under this paragraph, a principal may require a  
24           review of the classroom issues with the teacher and the parent, guardian,  
25           or other person having legal custody or control of the student and  
26           determine a course of action for the teacher and student regarding the  
27           student's continued placement in the classroom.

- 1           4. At any time during the school year, a principal may permanently remove  
2           a student from a classroom for the remainder of the school year if the  
3           principal determines the student's continued placement in the classroom  
4           will chronically disrupt the education process for other students.
- 5           5. When a student is removed from a classroom under this paragraph  
6           temporarily or permanently, the principal shall determine the placement  
7           of the student in lieu of that classroom, which may include but is not  
8           limited to:
- 9           a. Another classroom in that school; or  
10          b. An alternative program or setting, which may be provided  
11          virtually, as approved by the superintendent.
- 12          6. Any permanent action by a principal under this paragraph shall be  
13          subject to an appeal process in accordance with a policy adopted by the  
14          board.
- 15          7. Policies compliant with this paragraph shall be included in the code of  
16          behavior and discipline adopted by the board of education under KRS  
17          158.148 and the policies adopted by the school council under KRS  
18          160.345.
- 19 (6) A student shall not be suspended from the common schools until after at least the  
20      following due process procedures have been provided:
- 21      (a) The student has been given oral or written notice of the charge or charges  
22      against him or her which constitute cause for suspension;
- 23      (b) The student has been given an explanation of the evidence of the charge or  
24      charges if the student denies them; and
- 25      (c) The student has been given an opportunity to present his or her own version of  
26      the facts relating to the charge or charges.
- 27      These due process procedures shall precede any suspension from the common

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

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

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

15 2. Within thirty (30) days prior to the end of a student's expulsion, the  
16 board shall review the details of the expulsion and current factors and  
17 circumstances, including if ending the expulsion will substantially  
18 disrupt the education process or constitute a threat to the safety of  
19 students or school staff, to determine if the expulsion shall be extended  
20 for a period not to exceed twelve (12) months.

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

24 4. Each board of education shall adopt a policy for implementation of the  
25 process described in this paragraph.

26 (8) (a) Suspension of exceptional children, as defined in KRS 157.200, shall be  
27 considered a change of educational placement if:

- 1           1.    The child is removed for more than ten (10) consecutive days during a  
2           school year; or
- 3           2.    The child is subjected to a series of removals that constitute a pattern  
4           because the removals accumulate to more than ten (10) school days  
5           during a school year and because of other factors, such as the length of  
6           each removal, the total amount of time the child is removed, and the  
7           proximity of removals to one another.
- 8           (b)   The admissions and release committee shall meet to review the placement and  
9           make a recommendation for continued placement or a change in placement  
10          and determine whether regular suspension or expulsion procedures apply.  
11          Additional evaluations shall be completed, if necessary.
- 12          (c)   If the admissions and release committee determines that an exceptional child's  
13          behavior is related to his or her disability, the child shall not be suspended any  
14          further or expelled unless the current placement could result in injury to the  
15          child, other children, or the educational personnel, in which case an  
16          appropriate alternative placement shall be provided that will provide for the  
17          child's educational needs and will provide a safe learning and teaching  
18          environment for all. If the admissions and release committee determines that  
19          the behavior is not related to the disability, the local educational agency may  
20          pursue its regular suspension or expulsion procedure for the child, if the  
21          behavior so warrants. However, educational services shall not be terminated  
22          during a period of expulsion and during a suspension after a student is  
23          suspended for more than a total of ten (10) days during a school year. A  
24          district may seek temporary injunctive relief through the courts if the parent  
25          and the other members of the admissions and release committee cannot agree  
26          upon a placement and the current placement will likely result in injury to the  
27          student or others.

- 1 (9) Suspension or expulsion of primary school students shall be considered only in  
2 exceptional cases where there are safety issues for the child, school personnel, or  
3 others.
- 4 (10) Any action under this section related to students with disabilities shall be in  
5 compliance with applicable federal law.
- 6 (11) Nothing in this section shall be interpreted or construed to preclude the  
7 requirements contained in KRS 158.305 or 158.4416.
- 8 ➔Section 3. KRS 158.155 is amended to read as follows:
- 9 (1) Any school employee who knows or has reasonable cause to believe that a person  
10 has made threats or plans of violence which are intended to target a school, school  
11 personnel, or students or who knows that a firearm is present on school property in  
12 violation of KRS 527.070 shall immediately cause a report to be made pursuant to  
13 subsection (10) of this section.
- 14 (2) Any school employee shall immediately report pursuant to subsection (10) of this  
15 section any act which the employee has a reasonable cause to believe has occurred  
16 on school property or at a school-sponsored or sanctioned event involving:
- 17 (a) Assault resulting in ~~serious~~ physical injury;
- 18 (b) A sexual offense;
- 19 (c) Kidnapping;
- 20 (d) Assault with the use of a weapon;
- 21 (e) Possession of a firearm or deadly weapon in violation of the law;
- 22 (f) The use, possession, or sale of a controlled substance in violation of the law;
- 23 or
- 24 (g) Damage to property.
- 25 (3) Any school employee who receives information from a student or other person of  
26 conduct which is required to be reported under subsection (1) or (2) of this section  
27 shall report the conduct pursuant to subsection (10) of this section.



- 1 (4) If a student has been adjudicated guilty of an offense specified in this subsection or  
2 has been expelled from school for an offense specified in this subsection, prior to a  
3 student's admission to any school, the parent, guardian, principal, or other person or  
4 agency responsible for a student shall provide to the school a sworn statement or  
5 affirmation indicating on a form provided by the Kentucky Board of Education that  
6 the student has been adjudicated guilty or expelled from school attendance at a  
7 public or private school in this state or another state for homicide, assault, or an  
8 offense in violation of state law or school regulations relating to weapons, alcohol,  
9 or drugs. The sworn statement or affirmation shall be sent to the receiving school  
10 within five (5) working days of the time when the student requests enrollment in the  
11 new school.
- 12 (5) If any student who has been expelled from attendance at a public or private school  
13 in this state for homicide, assault, or an offense in violation of state law or school  
14 regulations relating to weapons, alcohol, or drugs requests transfer of his records,  
15 those records shall reflect the charges and final disposition of the expulsion  
16 proceedings.
- 17 (6) If any student who is subject to an expulsion proceeding at a public or private  
18 school in this state for homicide, assault, or an offense in violation of state law or  
19 school regulations relating to weapons, alcohol, or drugs requests transfer of his  
20 records to a new school, the records shall not be transferred until that proceeding  
21 has been terminated and shall reflect the charges and any final disposition of the  
22 expulsion proceedings.
- 23 (7) Neither the husband-wife privilege of KRE 504 nor any professional-client  
24 privilege, including those set forth in KRE 506 and 507, shall be a ground for  
25 refusing to make a report required under this section or for excluding evidence in a  
26 judicial proceeding of the making of a report and of the conduct giving rise to the  
27 making of a report. However, the attorney-client privilege of KRE 503 and the

1 religious privilege of KRE 505 are grounds for refusing to make a report or for  
2 excluding evidence as to the report and the underlying conduct.

3 (8) Nothing in this section shall be construed as to require self-incrimination.

4 (9) A person acting upon reasonable cause in the making of a report under this section  
5 in good faith shall be immune from any civil or criminal liability that might  
6 otherwise be incurred or imposed from:

7 (a) Making the report; and

8 (b) Participating in any judicial proceeding that resulted from the report.

9 (10) Notice required pursuant to this section shall be given to any law enforcement  
10 agency created by the local board of education, and to:

11 (a) A local law enforcement agency not created by the local board of education;

12 or

13 (b) The Department of Kentucky State Police.}

14 ~~(11) Any person who intentionally violates the provisions of this section shall be~~  
15 ~~guilty of a:~~

16 ~~(a) Class B misdemeanor for the first offense;~~

17 ~~(b) Class A misdemeanor for the second offense; and~~

18 ~~(c) Class D felony for the third or subsequent offense.}~~

19 ➔Section 4. KRS 158.990 is amended to read as follows:

20 (1) Any member of a school board who votes to permit entrance to a school of any  
21 child not eligible therefor under the provisions of KRS 158.030 shall be fined not  
22 less than five dollars (\$5) nor more than fifty dollars (\$50).

23 (2) Any person required to report under KRS 158.155 who ***intentionally*** fails to report{  
24 ~~promptly or who refuses to make a report}~~ ***shall be***{~~is~~} guilty of a Class A  
25 misdemeanor.