

1 AN ACT relating to discriminatory practices against a person.

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

3 ➔Section 1. KRS 344.010 is amended to read as follows:

4 As used in this chapter:

5 (1) "Person" includes one (1) or more individuals, labor organizations, joint
6 apprenticeship committees, partnerships, associations, corporations, legal
7 representatives, mutual companies, joint-stock companies, trusts, unincorporated
8 organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal
9 or commercial entity; the state, any of its political or civil subdivisions or
10 agencies;[.]

11 (2) "Commission" means the Kentucky Commission on Human Rights;[.]

12 (3) "Commissioner" means a member of the commission;[.]

13 (4) "Disability" means, with respect to an individual:

14 (a) A physical or mental impairment that substantially limits one (1) or more of
15 the major life activities of the individual;

16 (b) A record of such an impairment; or

17 (c) Being regarded as having such an impairment.

18 Persons with current or past controlled substances abuse or alcohol abuse problems
19 and persons excluded from coverage by the Americans with Disabilities Act of
20 1990, Pub. L. No.[(P.L.) 101-336,] shall be excluded from this section;[.]

21 (5) "Discrimination" means any direct or indirect act or practice of exclusion,
22 distinction, restriction, segregation, limitation, refusal, denial, or any other act or
23 practice of differentiation or preference in the treatment of a person or persons, or
24 the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under
25 this chapter;[.]

26 (6) "Protective hairstyles" includes but is not limited to such hairstyles as braids,
27 locks, and twists;

1 (7) "Real property" includes buildings, structures, real estate, lands, tenements,
2 leaseholds, cooperatives, condominiums, and hereditaments, corporeal and
3 incorporeal, or any interest in the above;[.]

4 (8)[(7)] "Housing accommodations" includes improved and unimproved property and
5 means any building, structure, lot or portion thereof, which is used or occupied, or
6 is intended, arranged, or designed to be used or occupied as the home or residence
7 of one (1) or more families, and any vacant land which is offered for sale or lease
8 for the construction or location thereon of any such building or structure;[.]

9 (9)[(8)] **"Race" includes traits historically associated with race, including but not**
10 **limited to hair texture and protective hairstyles;**

11 (10) "Real estate operator" means any individual or combination of individuals, labor
12 organizations, joint apprenticeship committees, partnerships, associations,
13 corporations, legal representatives, mutual companies, joint-stock companies, trusts,
14 unincorporated organizations, trustees in bankruptcy, receivers, or other legal or
15 commercial entity, the county, or any of its agencies, that is engaged in the business
16 of selling, purchasing, exchanging, renting, or leasing real estate, or the
17 improvements thereon, including options, or that derives income, in whole or in
18 part, from the sale, purchase, exchange, rental, or lease of real estate; or an
19 individual employed by or acting on behalf of any of these;[.]

20 (11)[(9)] "Real estate broker" or "real estate salesman" means any individual, whether
21 licensed or not, who, on behalf of others, for a fee, commission, salary, or other
22 valuable consideration, or who with the intention or expectation of receiving or
23 collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or
24 the improvements thereon, including options, or who negotiates or attempts to
25 negotiate on behalf of others such an activity; or who advertises or holds himself **or**
26 **herself** out as engaged in these activities; or who negotiates or attempts to negotiate
27 on behalf of others a loan secured by mortgage or other encumbrance upon a

1 transfer of real estate, or who is engaged in the business of charging an advance fee
2 or contracting for collection of a fee in connection with a contract whereby he or
3 she undertakes to promote the sale, purchase, exchange, rental, or lease of real
4 estate through its listing in a publication issued primarily for this purpose; or any
5 person employed by or acting on behalf of any of these;[.]

6 (12)[(10)] "Financial institution" means bank, banking organization, mortgage company,
7 insurance company, or other lender to whom application is made for financial
8 assistance for the purchase, lease, acquisition, construction, rehabilitation, repair,
9 maintenance, or improvement of real property, or an individual employed by or
10 acting on behalf of any of these;[.]

11 (13)[(11)] "Licensing agency" means any public or private organization which has as
12 one (1) of its duties the issuing of licenses or the setting of standards which an
13 individual must hold or must meet as a condition to practicing a particular trade or
14 profession or to obtaining certain employment within the state or as a condition to
15 competing effectively with an individual who does hold a license or meet the
16 standards;[.]

17 (14)[(12)] "Credit transaction" means~~shall mean~~ any open or closed end credit
18 transaction whether in the nature of a loan, retail installment transaction, credit card
19 issue or charge, or otherwise, and whether for personal or for business purposes, in
20 which a service, finance, or interest charge is imposed, or which provides for
21 repayment in scheduled payments, when such credit is extended in the course of the
22 regular course of any trade or commerce, including but not limited to transactions
23 by banks, savings and loan associations, or other financial lending institutions of
24 whatever nature, stock brokers, or by a merchant or mercantile establishment which
25 as part of its ordinary business permits or provides that payment for purchases of
26 property or services therefrom may be deferred;[.]

27 (15)[(13)] "To rent" means to lease, to sublease, to let, or otherwise to grant for a

1 consideration the right to occupy premises not owned by the occupant;[.]

2 (16)[(14)] "Family" includes a single individual;[.]

3 (17)[(15)] (a) "Familial status" means one (1) or more individuals who have not
4 attained the age of eighteen (18) years and are domiciled with:

5 1. A parent or another person having legal custody of the individual or
6 individuals; or

7 2. The designee of a parent or other person having custody, with the
8 written permission of the parent or other person.

9 (b) The protection afforded against discrimination on the basis of familial status
10 shall apply to any person who is pregnant or is in the process of securing legal
11 custody of any individual who has not attained the age of eighteen (18) years;
12 and[.]

13 (18)[(16)] "Discriminatory housing practice" means an act that is unlawful under KRS
14 344.360, 344.367, 344.370, 344.380, or 344.680.

15 ➔Section 2. KRS 158.148 is amended to read as follows:

16 (1) As used in this section:

17 (a) 1. "Bullying" means any unwanted verbal, physical, or social behavior
18 among students that involves a real or perceived power imbalance and is
19 repeated or has the potential to be repeated:
20 a. That occurs on school premises, on school-sponsored
21 transportation, or at a school-sponsored event; or
22 b. That disrupts the education process; and
23 2. This definition shall not be interpreted to prohibit civil exchange of
24 opinions or debate or cultural practices protected under the state or
25 federal Constitution where the opinion expressed does not otherwise
26 materially or substantially disrupt the education process; and

27 (b) "Parent or guardian" means a parent, legal guardian, or other person

1 exercising custodial control or supervision of a student.

2 (2) In cooperation with the Kentucky Education Association, the Kentucky School
3 Boards Association, the Kentucky Association of School Administrators, the Kentucky
4 Association of Professional Educators, the Kentucky Association of School Superintendents, the Parent-Teachers Association, the Kentucky Chamber
5 of Commerce, the Farm Bureau, members of the Interim Joint Committee on
6 Education, and other interested groups, and in collaboration with the Center for
7 School Safety, the Department of Education shall develop or update as needed and
8 distribute to all districts by August 31 of each even-numbered year:

9 (a) Statewide student discipline guidelines to ensure safe schools, including the
10 definition of serious incident for the reporting purposes as identified in KRS
11 158.444;

12 (b) Statewide transportation services policy guidelines to ensure the safety of
13 students, operators of vehicles, and other passengers using district-provided
14 transportation;

15 (c) Recommendations designed to improve the learning environment and school
16 climate, parental and community involvement in the schools, and student
17 achievement; and

18 (d) Model policies to implement the provisions of this section and KRS 158.110,
19 158.156, 158.444, 525.070, and 525.080.

20 (3) The department shall obtain statewide data on major discipline problems and
21 reasons why students drop out of school. In addition, the department, in
22 collaboration with the Center for School Safety, shall identify successful strategies
23 currently being used in programs in Kentucky and in other states and shall
24 incorporate those strategies into the statewide student discipline guidelines,
25 transportation services policy guidelines, and the recommendations under
26 subsection (2) of this section.

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1 (4) Copies of the statewide student discipline guidelines and the transportation services
2 policy guidelines shall be distributed to all school districts. The statewide student
3 discipline guidelines shall contain broad principles and legal requirements to guide
4 local districts in the development of their own code of acceptable behavior and
5 discipline; the selection of discipline and classroom management techniques by
6 school councils under KRS 158.155 and 160.345; the development of the district
7 transportation services policy; and the development of the district-wide safety plan.

8 (5) (a) Each local board of education shall adopt a code of acceptable behavior and
9 discipline based on the statewide student discipline guidelines that shall apply
10 to the students in each school operated by the board. The code shall be
11 updated no less frequently than every two (2) years.

12 (b) The superintendent, or designee, shall be responsible for overall
13 implementation and supervision, and each school principal shall be
14 responsible for administration and implementation within each school. Each
15 school council shall select and implement the appropriate discipline and
16 classroom management techniques necessary to carry out the code. The board
17 shall establish a process for a two-way communication system for teachers
18 and other employees to notify a principal, supervisor, or other administrator of
19 an emergency.

20 (c) The code shall prohibit bullying.

21 (d) **The code shall prohibit discrimination on the basis of race as defined in**
22 **Section 1 of this Act.**

23 (e) The code shall contain the standard of behavior expected from each
24 student, the consequences of failure to obey the standards, and the importance
25 of the standards to the maintenance of a safe learning environment where
26 orderly learning is possible and encouraged.

27 (f) The code shall contain:

- 1 1. Procedures for identifying, documenting, and reporting incidents of
2 bullying, incidents of violations of the code, and incidents for which
3 reporting is required under KRS 158.156;
- 4 2. Procedures for investigating and responding to a complaint or a report of
5 bullying or a violation of the code, or of an incident for which reporting
6 is required under KRS 158.156, including reporting incidents to the
7 parents or guardians of the students involved;
- 8 3. A strategy or method of protecting a complainant or person reporting:
 - 9 a. An incident of bullying;
 - 10 b. A violation of the code; or
 - 11 c. An incident for which reporting is required under KRS 158.156;
12 from retaliation;
- 13 4. A process for informing students, parents or guardians, and school
14 employees of the requirements of the code and the provisions of this
15 section and KRS 158.156, 158.444, 525.070, and 525.080, including
16 training for school employees; and
- 17 5. Information regarding the consequences of bullying and violating the
18 code and violations reportable under KRS 158.155, 158.156, or 158.444.

19 **(g)(f)** The principal of each school shall apply the code of acceptable behavior
20 and discipline uniformly and fairly to each student at the school without
21 partiality or discrimination.

22 **(h)(g)** A copy of the code of acceptable behavior and discipline adopted by the
23 board of education shall be posted at each school. Guidance counselors shall
24 be provided copies for discussion with students. The code shall be referenced
25 in all school handbooks. All school employees and parents or guardians shall
26 be provided copies of the code.

27 (6) (a) Each local board of education shall adopt a transportation services policy to

1 apply to students while on transportation provided for or by the district, and to
2 their parents or guardians. The policy shall be updated no less frequently than
3 every two (2) years~~, with the first update being completed by the first
4 instructional day of the 2024 2025 school year]~~.

5 (b) The superintendent or designee shall be responsible for overall
6 implementation and supervision. The board shall select and implement the
7 appropriate discipline and transportation management techniques necessary to
8 carry out the policy. The board shall establish a process for a two-way
9 communication system for bus drivers and other employees, volunteers, or
10 contractors to notify a supervisor, superintendent, or other administrator of an
11 emergency.

12 (c) The policy shall contain the standard of behavior expected from each student
13 while being transported by or for the district and the consequences of failure
14 to obey the standards. The policy shall include:

- 15 1. Procedures for identifying, documenting, and reporting incidents of
16 bullying, incidents of violations of the policy, and incidents for which
17 reporting is required under KRS 158.156;
- 18 2. Procedures for investigating and responding to a complaint or a report of
19 bullying or a violation of the policy, or of an incident for which
20 reporting is required under KRS 158.156, including reporting incidents
21 to the parents or guardians of the students involved;
- 22 3. A strategy or method of protecting a complainant or person reporting a
23 violation of the policy from retaliation;
- 24 4. When a student is alleged by an operator of transportation to have
25 committed a violation of the policy that places the student or others at
26 risk of physical harm or otherwise makes it unsafe for the driver to
27 continue transporting students, and as permitted by state and federal law,

1 a process that allows the operator of the vehicle to:

2 a. Refuse further transportation of the student at the time of the
3 incident, upon notification of the emergency pursuant to paragraph
4 (b) of this subsection, and transfer the student to:

5 i. An appropriate district official who has reported to the
6 location of the vehicle;

7 ii. An appropriate district official located at a location
8 designated in the transportation services policy or by an
9 appropriate district official, including but not limited to a bus
10 compound or transfer station;

11 iii. Law enforcement; or

12 iv. The student's parent or guardian; and

13 b. Upon filing and submitting a written report to the superintendent
14 or designee, refuse future transportation of the student until an
15 interim or final determination of disciplinary action by the
16 superintendent or designee pursuant to local board policy;

17 5. For alleged violations of the policy not covered by subparagraph 4. of
18 this paragraph and submitted by the operator of the vehicle, a
19 requirement that the superintendent or designee issue an interim or final
20 determination of disciplinary action pursuant to local board policy
21 within one (1) week of the report being submitted;

22 6. A process allowing for the operator of a vehicle to:

23 a. File a written or electronic complaint or report of the misconduct,
24 including a recommendation regarding revocation of the student's
25 transportation privileges; and

26 b. Be heard during any disciplinary proceedings against a student
27 relating, at least in part, to misconduct that occurred during the

operator's transportation of the student;

7. A requirement that any recommendation by the operator of a vehicle shall be considered by the superintendent or designee as a factor in the interim or final determination of disciplinary action on the complaint or report;
8. A requirement that the operator of a vehicle, to the extent permitted by law, receive written notice from the superintendent or designee of the investigation, disciplinary action imposed, and reasoning in response to the reported misconduct; and
9. A disciplinary structure that provides for:
 - a. Interventions or disciplinary consequences that reflect the severity of the violation; and
 - b. Increased intervention and consequences upon subsequent violations of the policy.

(d) The policy shall contain the standard of behavior expected from parents or guardians of students being transported by or for the district while interacting with district transportation staff and the consequences of failure to follow the standards. The policy shall include:

1. Procedures for investigating and responding to a complaint or report made by an operator of transportation alleging parent or legal guardian misconduct;
2. A requirement that the operator of a vehicle be provided an opportunity to be heard and to make a recommendation regarding future transportation of the student during any disciplinary proceedings relating, at least in part, to alleged misconduct by the student's parent or guardian and the impact upon a student's transportation privileges; and
3. An intervention or consequences structure that provides for the

1 placement of conditions upon or revocation of a student's transportation
2 privileges based upon parent or guardian misconduct that provides for:
3 a. Interventions or consequences that reflect the severity of the parent
4 or guardian's misconduct; and
5 b. Increased intervention and consequences upon subsequent
6 violations of the policy.

7 (e) The policy shall include references to relevant criminal violations based on
8 potential misconduct covered by the policy, including but not limited to the
9 following statements:

10 1. "KRS 511.020 makes it a Class B felony for a person, with the intent to
11 commit a crime, knowingly entering or remaining unlawfully upon a
12 school bus, and when in effecting entry or while upon the school bus or
13 in the immediate flight therefrom, the person or another participant in
14 the crime causes physical injury to another person or uses or threatens
15 the use of a dangerous instrument against another person.;"
16 2. "KRS 508.078 makes it a Class C felony for a person to intentionally
17 threaten to commit any act likely to result in death or serious physical
18 injury to any employee of an elementary or secondary school, which
19 includes a school bus driver.;"
20 3. "KRS 508.025 makes it a Class D felony for a person to recklessly, with
21 a deadly weapon or dangerous instrument, or intentionally cause or
22 attempt to cause physical injury to a school bus driver or other school
23 employee acting in the course and scope of their employment.;"
24 4. "KRS 519.020 makes it a Class A misdemeanor for a person to obstruct
25 governmental operations, which includes intentionally obstructing,
26 impairing, or hindering the performance of a governmental function by
27 using or threatening to use violence, force or physical interference.;" and

1 5. "KRS 525.070 makes it a Class B misdemeanor for a person, with intent
2 to intimidate, harass, annoy, or alarm another person, to strike, shove,
3 kick, or otherwise subject another to physical contact.".

4 (f) The policy shall include a process for an operator of a vehicle, upon the
5 reinstatement of a student's transportation privileges after an interim or final
6 determination of disciplinary action, to elect to receive an alternate route
7 assignment in lieu of transporting the student.

8 (g) The superintendent or designee of each district shall apply the transportation
9 services policy uniformly and fairly to each student without partiality or
10 discrimination.

11 (h) The superintendent or designee shall require every student in the district and
12 at least one (1) parent or guardian of each student to acknowledge in writing
13 the receipt, comprehension, and agreement of adherence to the transportation
14 safety policy within seven (7) days of the student's first day of attendance
15 during each school year. Failure to submit written acknowledgement by a
16 student or their parent or guardian may be grounds for revocation of a
17 student's transportation privileges until the acknowledgment is properly
18 received.

19 (7) Any action under this section related to students with disabilities shall be in
20 compliance with applicable federal law.

21 ➔Section 3. This Act may be cited as the C.R.O.W.N. Act.