

1 AN ACT relating to materials, programs, or events alleged to be harmful to minors.

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

3 ➔Section 1. KRS 158.192 is amended to read as follows:

- 4 (1) As used in this section, "harmful to minors" means materials, programs, or events
5 that:
- 6 (a) Contain the exposure, in an obscene manner, of the unclothed or apparently
7 unclothed human male or female genitals, pubic area, or buttocks or the
8 female breast, or visual depictions of sexual acts or simulations of sexual acts,
9 or explicit written descriptions of sexual acts;
 - 10 (b) Taken as a whole, appeal to the prurient interest in sex; or
 - 11 (c) Are patently offensive to prevailing standards regarding what is suitable for
12 minors.
- 13 (2) ~~[No later than July 1, 2023,]~~ Each local board of education shall adopt a complaint
14 resolution policy for its local schools to be used to address complaints submitted by
15 parents or guardians alleging that material, a program, or an event that is harmful to
16 minors has been provided or is currently available to a student enrolled in the local
17 school district who is the child of the parent or guardian. The complaint resolution
18 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, program, or event that is alleged to be harmful to
23 minors, and how the material, program, or event is believed to be harmful to
24 minors;
 - 25 (c) Within seven (7) business days of receiving a written complaint, the school
26 principal shall review the complaint and take reasonable steps to investigate
27 the allegations in the complaint, including but not limited to reviewing the

- 1 material, program, or event that is alleged to be harmful to minors;
- 2 (d) The school principal shall determine whether the material, program, or event
3 that is the subject of the complaint is harmful to minors;
- 4 (e) The school principal shall determine whether student access to material that is
5 the subject of the complaint shall remain, be restricted, or be removed;
- 6 (f) The school principal shall determine whether a program or event that is the
7 subject of the complaint shall be eligible for future participation by students in
8 the school;
- 9 (g) Within ten (10) business days of receiving the complaint, unless another
10 schedule is mutually agreed to by the parent or guardian and the school
11 principal, the school principal shall confer with the parent or guardian and
12 inform him or her whether the material, program, or event that is the subject
13 of the complaint was determined to be harmful to minors and what the
14 resolution will be in accordance with paragraphs (e) and (f) of this subsection;
- 15 (h) Appeals of the school principal's determination provided for in paragraphs (d),
16 (e), and (f) of this subsection shall:
- 17 1. Be subject to full administrative and substantive review by the local
18 board of education and shall not be delegated;
 - 19 2. Include an opportunity for the parent or guardian to provide input during
20 public comment at a local board of education meeting, including an
21 opportunity for a parent or guardian to orally recite passages from
22 material, a program, or an event that is the subject of the appeal;
 - 23 3. Be completed within thirty (30) calendar days of receiving the written
24 appeal unless another time frame is mutually agreed upon by the parent
25 or guardian and the local board of education; and
 - 26 4. Be discussed and voted on during a meeting of the local board of
27 education subject to the open records and open meeting requirements

1 under KRS Chapter 61;

2 (i) The board shall immediately determine the material, program, or event to be
3 harmful to minors and require its removal if the board:

4 1. Denies a parent or guardian the opportunity to orally recite passages
5 from material, a program, or an event as required by paragraph (h)2.
6 of this subsection; or

7 2. Deems the passage from material, a program, or an event to be
8 inappropriate to recite at a board of education meeting;

9 (j) The board's final disposition of the appeal shall be made in writing and shall
10 state whether the material, program, or event was determined to be harmful to
11 minors and whether student access to the material will remain, be restricted,
12 or be removed and whether the program or event shall be eligible for future
13 participation by students in the school; and

14 (k)~~(j)~~ Within fifteen (15) business days from the date of a final disposition, the
15 title of the material or a description of the program or event submitted for
16 appeal pursuant to paragraph (h) of this subsection, whether the material,
17 program, or event was determined to be harmful to minors, whether student
18 access to the material will remain, be restricted, or be removed or whether the
19 program or event shall be eligible for future participation by students in the
20 school, and the vote cast by each individual board member shall:

21 1. Be published on the website of the local board of education where it
22 shall remain available for review; and

23 2. Be published in the newspaper with the largest circulation in the county.

24 (3) (a) A parent or guardian may request in writing to the school, after final
25 disposition is determined by the board as provided for in subsection
26 (2)(j)~~(2)(i)~~ of this section, that the school ensure his or her student does not
27 have access to the material, program, or event that the parent or guardian

1 believes to be harmful to minors but was allowed to remain or be eligible for
2 future participation.

3 (b) The school shall ensure that the student whose parent or guardian has made a
4 request as provided for in paragraph (a) of this subsection does not have
5 access to the material or is not allowed to participate in the program or event
6 that the parent or guardian believes to be harmful to minors.

7 (4) A parent or guardian not having filed the appeal may request in writing access to
8 the appealed materials, programs, or events for review and shall abide by the
9 school's and district's policies and procedures when requesting and reviewing such
10 information.

11 (5) ~~[No later than May 1, 2023,]~~The Department of Education shall promulgate a
12 model policy for a complaint resolution process that meets the requirements of
13 subsections (2), (3), and (4) of this section.