

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 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 for a student who:

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

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

27 (b) The board shall also adopt a policy requiring disciplinary actions, up to and

1 including expulsion from school, for a student who is determined by the board
2 to have:

- 3 1. Possessed prescription drugs or controlled substances for the purpose of
4 sale or distribution at a school under the board's jurisdiction;
- 5 2. Physically assaulted or battered or abused educational personnel or other
6 students at a school or school function under the board's jurisdiction; or
- 7 3. Physically assaulted, battered, or abused educational personnel or other
8 students off school property and the incident is likely to substantially
9 disrupt the educational process.

10 (3) (a) The board may modify the expulsion requirement and length for students on a
11 case-by-case basis, except the length of expulsion shall be at least twelve (12)
12 months for a violation set forth in subsection (2)(a) of this section.

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

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

1 state agency that provides the service shall be responsible for the cost.

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

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

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

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

- 18 1. *When a student violates a school behavior policy and is disruptive to*
19 *the classroom environment and education process, a teacher may*
20 *immediately remove or cause to be removed the student from the*
21 *classroom, and the student shall not reenter the same classroom for*
22 *the remainder of the school day without the agreement of the teacher*
23 *and the principal or assistant principal*~~[A principal may establish~~
24 ~~procedures for a student's removal from and reentry to the classroom~~
25 ~~when the student's behavior disrupts the classroom environment and~~
26 ~~education process or the student challenges the authority of a~~
27 ~~supervising adult]. In addition to removal, the student shall be subject to~~

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

1 behavior and discipline adopted by the board of education under KRS
 2 158.148 and the policies adopted by the school council under KRS
 3 160.345.

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

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

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

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

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

27 2. Within thirty (30) days prior to the end of a student's expulsion, the

- 1 board shall review the details of the expulsion and current factors and
2 circumstances, including if ending the expulsion will substantially
3 disrupt the education process or constitute a threat to the safety of
4 students or school staff, to determine if the expulsion shall be extended
5 for a period not to exceed twelve (12) months.
- 6 3. The expulsion review process shall be used prior to the end of each
7 expulsion period until the board ends the expulsion or the student is no
8 longer subject to compulsory attendance under KRS 159.010.
- 9 4. Each board of education shall adopt a policy for implementation of the
10 process described in this paragraph.
- 11 (8) (a) Suspension of exceptional children, as defined in KRS 157.200, shall be
12 considered a change of educational placement if:
- 13 1. The child is removed for more than ten (10) consecutive days during a
14 school year; or
- 15 2. The child is subjected to a series of removals that constitute a pattern
16 because the removals accumulate to more than ten (10) school days
17 during a school year and because of other factors, such as the length of
18 each removal, the total amount of time the child is removed, and the
19 proximity of removals to one another.
- 20 (b) The admissions and release committee shall meet to review the placement and
21 make a recommendation for continued placement or a change in placement
22 and determine whether regular suspension or expulsion procedures apply.
23 Additional evaluations shall be completed, if necessary.
- 24 (c) If the admissions and release committee determines that an exceptional child's
25 behavior is related to his or her disability, the child shall not be suspended any
26 further or expelled unless the current placement could result in injury to the
27 child, other children, or the educational personnel, in which case an

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

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

15 (10) Any action under this section related to students with disabilities shall be in
16 compliance with applicable federal law.

17 (11) Nothing in this section shall be interpreted or construed to preclude the
18 requirements contained in KRS 158.305 or 158.4416.