# GENERAL ASSEMBLY
## COMMONWEALTH OF KENTUCKY

## 2016 REGULAR SESSION

SENATE BILL NO. 228

WEDNESDAY, MARCH 9, 2016

The following bill was reported to the House from the Senate and ordered to be printed.

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DATE April 9, 2016
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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to education.

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

3 ➔Section 1. KRS 158.148 is amended to read as follows:

4 ***(1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or***

5 ***social behavior among students that involves a real or perceived power***

6 ***imbalance and is repeated or has the potential to be repeated:***

7 ***1. That occurs on school premises, on school-sponsored transportation,***

8 ***or at a school-sponsored event; or***

9 ***2. That disrupts the education process.***

10 ***(b) This definition shall not be interpreted to prohibit civil exchange of***

11 ***opinions or debate or cultural practices protected under the state or federal***

12 ***Constitution where the opinion expressed does not otherwise materially or***

13 ***substantially disrupt the education process.***

14 *(2)*[~~(1)~~] In cooperation with the Kentucky Education Association, the Kentucky

15 School Boards Association, the Kentucky Association of School Administrators, the

16 Kentucky Association of Professional Educators, the Kentucky Association of

17 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of

18 Commerce, the Farm Bureau, members of the Interim Joint Committee on

19 Education, and other interested groups, and in collaboration with the Center for

20 School Safety, the Department of Education shall develop or update as needed and

21 distribute to all districts by August 31 of each even-numbered year, beginning

22 August 31, 2008:

23 (a) Statewide student discipline guidelines to ensure safe schools, including the

24 definition of serious incident for the reporting purposes as identified in KRS

25 158.444;

26 (b) Recommendations designed to improve the learning environment and school

27 climate, parental and community involvement in the schools, and student

1 achievement; and
2 (c) A model policy to implement the provisions of this section and KRS 158.156,
3 158.444, 525.070, and 525.080.
4 *(3)*[~~(2)~~] The department shall obtain statewide data on major discipline problems and
5 reasons why students drop out of school. In addition, the department, in
6 collaboration with the Center for School Safety, shall identify successful strategies
7 currently being used in programs in Kentucky and in other states and shall
8 incorporate those strategies into the statewide guidelines and the recommendations
9 under subsection *(2)*[~~(1)~~] of this section.
10 *(4)*[~~(3)~~] Copies of the discipline guidelines shall be distributed to all school districts.
11 The statewide guidelines shall contain broad principles and legal requirements to
12 guide local districts in developing their own discipline code and school councils in
13 the selection of discipline and classroom management techniques under KRS
14 158.154; and in the development of the district-wide safety plan.
15 *(5)*[~~(4)~~] Each local board of education shall be responsible for formulating a code of
16 acceptable behavior and discipline to apply to the students in each school operated
17 by the board. The code shall be updated no less frequently than every two (2) years,
18 with the first update being completed by November 30, 2008.
19 (a) The superintendent, or designee, shall be responsible for overall
20 implementation and supervision, and each school principal shall be
21 responsible for administration and implementation within each school. Each
22 school council shall select and implement the appropriate discipline and
23 classroom management techniques necessary to carry out the code. The board
24 shall establish a process for a two-way communication system for teachers
25 and other employees to notify a principal, supervisor, or other administrator of
26 an existing emergency.
27 (b) The code shall ***prohibit bullying.***

1 ***(c) The code shall*** contain the type of behavior expected from each student, the
2 consequences of failure to obey the standards, and the importance of the
3 standards to the maintenance of a safe learning environment where orderly
4 learning is possible and encouraged.
5 ***(d)***[~~(c)~~] The code shall contain:
6 1. Procedures for identifying, documenting, and reporting incidents of
7 ***bullying, incidents of*** violations of the code, and incidents for which
8 reporting is required under KRS 158.156;
9 2. Procedures for investigating and responding to a complaint or a report of
10 ***bullying or*** a violation of the code, or of an incident for which reporting
11 is required under KRS 158.156, including reporting incidents to the
12 parents, legal guardians, or other persons exercising custodial control or
13 supervision of the students involved;
14 3. A strategy or method of protecting from retaliation a complainant or
15 person reporting ***an incident of bullying,*** a violation of the code, or an
16 incident for which reporting is required under KRS 158.156;
17 4. A process for informing students, parents, legal guardians, or other
18 persons exercising custodial control or supervision, and school
19 employees of the requirements of the code and the provisions of this
20 section and KRS 158.156, 158.444, 525.070, and 525.080, including
21 training for school employees; and
22 5. Information regarding the consequences of ***bullying and*** violating the
23 code and violations reportable under KRS 158.154, 158.156, or 158.444.
24 ***(e)***[~~(d)~~] The principal of each school shall apply the code of behavior and
25 discipline uniformly and fairly to each student at the school without partiality
26 or discrimination.
27 ***(f)***[~~(e)~~] A copy of the code of behavior and discipline adopted by the board of

1 education shall be posted at each school. Guidance counselors shall be
2 provided copies for discussion with students. The code shall be referenced in
3 all school handbooks. All school employees and parents, legal guardians, or
4 other persons exercising custodial control or supervision shall be provided
5 copies of the code.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 9 APRIL 2016