

Model Policies Related to Issues Found in KRS 158.156

PROVIDED BY

**Kentucky School Boards Association (KSBA)
and
Kentucky Department of Education**

New language in KRS 158.148 (a statute related to KRS 158.156) requires the provision of “a model policy to implement the provisions of this section and Sections 1, 2, 4, and 5 of this Act.” A collection of model policies has been provided and revised by the Kentucky School Boards Association (KSBA) and the Kentucky Department of Education. The policies found on the following pages include:

- **Bullying/Hazing**
- **Student Discipline Code**
- **Employee Reports of Criminal Activity**
- **Documentation of Reporting Required by Law**
- **Reporting of Code Violations**
- **Parent Notification of Code Violation**
- **Supervision of Students (1)**
- **Supervision of Students (2)**

The Kentucky Department of Education gratefully acknowledges the generosity of the Kentucky School Boards Association in making these policies available to educators as they implement the provisions of KRS 158.156.

Bullying/Hazing

In order to effectively participate in the democratic process as adults, students must learn to respect the rights of others and to interact with them in a civil manner. Therefore, students are required to speak and behave in a civil manner toward students, staff, and visitors in schools.

Actions Not Tolerated

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.¹ This policy extends to any/all student language or behavior including, but not limited to the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Students who violate this policy shall be subject to appropriate disciplinary action.

Reports

As provided in the District Code of Acceptable Behavior and Discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to district personnel for appropriate action.

Other Claims

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.

References:

¹KRS 158.150; SB 228/KRS 158.148; KRS 158.156

KRS 160.290

Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)

Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

Student Discipline Code

Development

In accordance with KRS 158.148 and 704 KAR 7:050, local boards of education shall develop a student discipline code that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, legal guardians, or other persons exercising custodial control or supervision. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees.

The code shall establish standards of acceptable student behavior and discipline and may include district-wide standards of behavior for students who participate in extracurricular and co-curricular activities.

The code also shall include a process addressing how students can report code violations to district personnel for appropriate action.

Distribution

Once reviewed and approved, the student discipline code shall be distributed to students and parents in the district, including those students who enroll during the school year.

Review

Local boards of education shall update the student discipline code at least every two (2) years.

Reporting of Data

As directed by the Kentucky Department of Education (KDE), the district shall report in the state student information system when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under KRS 525.070 or KRS 525.080 in relation to a serious incident. KDE will compile all information and report to the Kentucky Center for School Safety in accordance with KRS 158.444.

Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.

References:

KRS 158.444; SB 228/KRS 158.148; KRS 158.153; KRS 158.165; KRS 160.295

KRS 525.070, KRS 525.080

704 KAR 7:050, *Student Discipline Guidelines*, Kentucky Department of Education

Employee Reports of Criminal Activity

To promote the safety and well-being of students, staff, faculty, and other visitors in the schools, districts employees must make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

KRS 158.154

When the principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public school building, bus, public school campus, grounds, recreational area, or athletic field in the charge of the principal.

KRS 158.155

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

1. The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - a. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - i. Carrying, possession, or use of a deadly weapon; or
 - ii. Use, possession, or sale of controlled substances; or
 - b. Any felony offense under the laws of this Commonwealth; and
2. The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

Employee Reports of Criminal Activity

KRS 158.156

Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately provide an oral or written report to the principal of the school attended by the victim. The principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The principal shall file a written report with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

KRS 620.030

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately provide an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

References:

KRS 158.154, KRS 158.155, KRS 158.156
KRS 525.070, KRS 525:080
KRS 620.030

Documentation of Reporting Required by Law

(for internal administrative tracking purposes only)

This form shall be used to document reports listed in Policy 09.2211 that are required by KRS 158.154, KRS 158.155, and KRS 158.156. After receiving a report of an alleged violation from an employee, the principal shall be responsible for documenting the alleged incident. Regardless of the statutory provision under which the alleged incident falls or the reporting requirements of that provision, school employees shall report the alleged incident to the principal for documentation.

Student Reported for Violation _____

Last Name First Name Middle Initial

General nature of the alleged violation:

On _____, I reported the above incident to:

Date

- Local law enforcement official;
specify: _____
- Department of Kentucky State Police
- County Attorney
- The Superintendent, who shall report it to the Board, if required by KRS 158.156

Signature of Reporting Principal

Date

The following information about the student involved is for internal tracking purposes only.

Information for Reported Student:

Birthdate _____ Age _____ School _____ Grade _____

Parent/Guardian _____
Last Name First Name Middle Initial

Parent/Guardian Address _____

Parent/Guardian Work Phone _____ Home Phone _____

If the report concerns an alleged student victim, the following information applies:

Alleged Victim _____
Last Name First Name Middle Initial

Birthdate _____ Age _____ School _____ Grade _____

Parent/Guardian _____
Last Name First Name Middle Initial

Parent/Guardian Address _____

Parent/Guardian Work Phone _____ Home Phone _____

Parental Notification

If their child is involved in an incident related to KRS 158.156, the principal shall notify parents/guardians in writing.

Board Notification

For an incident related to KRS 158.156, the principal shall report only the following information to the superintendent to share with the Board:

On _____, _____ students were involved in an incident	
<i>Date</i>	<i>Number</i>
reportable under KRS 158.156.	
_____	_____
<i>Name of School</i>	<i>Signature of Principal</i>

Reporting of Code Violations

Students wishing to report a violation of the Code of Acceptable Behavior and Discipline may report it to a classroom teacher, or in the absence of a classroom teacher, any other employee of the school, who shall take appropriate action as defined by the code. The teacher or other employee shall refer the report to the principal/designee for further action when the report involves an offense that may warrant suspension or expulsion of a student, any felony offense, or a report that may be required by law, including reports to law enforcement.

Retaliation Prohibited

Employees and other students shall not retaliate against a student because s/he reports a violation of the code or assists or participates in any investigation, proceeding, or hearing regarding the violation. The superintendent/designee shall take measures needed to protect students from such retaliation.

Parent Notification of Code Violation

Date

Dear Parent/Guardian,

On _____, your child, _____
Date *Student's Name*

was involved in a serious incident, which took place at _____.
Location

At this time, the following information has been reported to me concerning the incident:

Because student safety is our utmost concern, we take this information very seriously and have taken appropriate action.

Please contact me directly if you have questions about this information. I can be reached at

Telephone Number

Sincerely,

Principal

Supervision of Students

Pursuant to KRS 161.180 and KRS 161.185, each teacher and administrator shall hold pupils to a strict account for their conduct on school premises, on the way to and from school, and on school-sponsored trips and activities, except that a non-faculty coach or non-faculty assistant may accompany students on athletic trips as provided in statute.

Access to School Property During the School Day

The Kentucky Center for School Safety recommends that all school property be secured all hours of the day with building access restricted through locked doors and a buzzer system, and all classrooms remain locked during instructional time.

Unless they are authorized visitors, only those students who are enrolled in the district and on property for an official school purpose, such as receiving instruction or participating in a school sponsored extracurricular activity, shall be permitted on the property during the school day. If a student who is officially absent or on home/hospital instruction wishes to come onto property during the school day, the student shall first go to the principal/designee, seek permission to be on the property, and check in. Permission may be granted for the student to be on school property if the purpose relates to educational needs of the student that cannot be accomplished outside of school hours, and the student remains on the property only for the time needed to accomplish that purpose. This requirement is necessary to address supervision and safety concerns of students who come on property during the school day.

References:

KRS 161.180, KRS 161.185
702 KAR 5:030

Supervision of Students

Responsibility

Principals shall develop and implement a plan of supervision for their schools to address the following areas:

1. Bus loading and unloading;
2. Meals;
3. Halls, restrooms, and playgrounds;
4. Time before and after the school day;
5. Field trips and other school activities; and
6. Arrival lanes and dismissal lanes, other than bus loading and unloading.

Prior to the opening of school each year, the principal shall submit the plan to the superintendent/designee for review and to the local board of education for its approval.

STUDENTS

Teacher Professional Development of School Safety Topics

In accordance with KRS 156.095 and SB 200 (2014), the local board of education shall require all certified staff directly responsible for instruction to receive training on juvenile justice, juvenile mental health, and suicide prevention. School principals will be responsible for ensuring that training is provided and maintaining records of such training.

References:

KRS 156.095
SB 200 (2014)

STUDENTS

Disclosure of Records

In accordance with KRS 610.345, once the school superintendent is notified that a child is adjudicated as guilty of an offense which classifies him or her as a youthful offender, violent offender or as a felon if committed by an adult, the superintendent shall then notify the principal of the school in which the child is enrolled.

If the petition is dismissed, all records of the incident or notification created in the school district or the school under KRS 610.345 shall be destroyed, and shall not be included in the child's school records.

Records or information disclosed shall be limited to records of that student's criminal petition and shall be disclosed by the superintendent to the principal of the child's school, transportation, counseling personnel, and to any teacher or school employee with whom the student may come in contact. No other juvenile record or information relating to the child shall be disclosed.

References:

KRS 610.345, KRS 610.320, KRS 610.340, KRS 439.3401