

Kentucky Department of Education
Student Discipline Guidelines
2018

For use with district codes of acceptable behavior and discipline

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Student Discipline Guidelines

Introduction

For decades, both research and practice indicate that students learn at highest levels in a safe, orderly environment that addresses individualized learning styles. When students are actively engaged in school – both instructionally and behaviorally – they are motivated learners with academic successes.

Optimal school discipline supports instructional practices, and include students, families, educators, and the community in the creation and use of student discipline codes and procedures.

To achieve optimal learning conditions, schools and districts must develop and implement discipline policies and practices that promote safe, orderly educational campuses. Disciplinary standards and expectations are described in the local district discipline code, which the local school board approves and the local school council reinforces with defined practices and procedures.

This Student Discipline Guidelines document has been prepared to assist educators, parents, and community members in developing or refining current district discipline codes. Local boards and school councils are urged to annually involve a cross section of their community in the development and implementation of their discipline codes.

Section I

Legislation Related to the Student Discipline Guidelines

KRS 158.148

- (1)
 - (a) As used in this section, "bullying" means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated:
 1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or
 2. That disrupts the education process.
 - (b) This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process.
- (2) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Kentucky Association of Professional Educators, the Kentucky Association of School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year, beginning August 31, 2008:
 - (a) Statewide Student Discipline Guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444;
 - (b) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and
 - (c) A model policy to implement the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080.
- (3) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (2) of this section.
- (4) Copies of the discipline guidelines shall be distributed to all school districts. The statewide guidelines shall contain broad principles and legal requirements to guide local districts in developing their own discipline code and school councils in the selection of discipline and classroom management techniques under KRS 158.154; and in the development of the district-wide safety plan.
- (5)

- (a) Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years, with the first update being completed by November 30, 2008.
- (b) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an existing emergency.
- (c) The code shall prohibit bullying.
- (d) The code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged.
- (e) The code shall contain:
 - 1. Procedures for identifying, documenting, and reporting incidents of bullying, incidents of violations of the code, and incidents for which reporting is required under KRS 158.156;
 - 2. Procedures for investigating and responding to a complaint or a report of bullying or a violation of the code, or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents, legal guardians, or other persons exercising custodial control or supervision of the students involved;
 - 3. A strategy or method of protecting from retaliation a complainant or person reporting an incident of bullying, a violation of the code, or an incident for which reporting is required under KRS 158.156;
 - 4. A process for informing students, parents, legal guardians, or other persons exercising custodial control or supervision, and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees; and
 - 5. Information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, 158.156, or 158.444.
- (f) The principal of each school shall apply the code of behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.
- (g) A copy of the code of behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced

in all school handbooks. All school employees and parents, legal guardians, or other persons exercising custodial control or supervision shall be provided copies of the code.

Section II

Student Discipline Guidelines Purpose

Districts should develop discipline codes that describe student behavior expectations and outline consequences for misbehaviors.

The purpose of the Student Discipline Guidelines is to:

- Assist school districts with the development of emergency management plans;
- Assess school safety and discipline needs;
- Analyze district level data, resources, policies, and procedures;
- Identify district-wide needs through an individual school assessment process; and,
- Identify immediate and long-term strategies that address school safety and discipline.

The purpose of the Student Discipline Guidelines objectives is to:

- Ensure school safety;
- Improve the learning environment;
- Improve student achievement; and,
- Reduce the dropout rate.

The Student Discipline Guidelines principles should guide local school districts and school councils to provide:

- Statewide data on major discipline problems;
- Reasons why students drop out of school; and,
- Successful strategies used in Kentucky and other states.

The code of acceptable behavior should provide:

- Expected student behavior;
- Student consequences for failure to obey the standards;
- Student, parent, teacher, counselor, and principal responsibilities;
- Due process procedures for student suspensions or expulsions;
- Reasons why the code of behavior and discipline should be uniformly applied to each student at the school without partiality or discrimination;
- Communication procedures for school postings that include dissemination to guidance counselors, use in student discussion, inclusion in school handbooks and providing copies for employees and parents;
- School property incidents procedures;
- Immediate removal from the classroom procedures for threatening or violent student removal or suspension from the classroom;
- Intervention strategies for dropout prevention; and,
- Discipline action up to and including expulsion from school for weapons, drug, assault, and abuse violations.

Section III

Student Discipline Guidelines Contents

The Student Discipline Guidelines should contain an introduction, the district management standard, and district processes/procedures.

The introduction of the Student Discipline Guidelines should contain the district's philosophy, rationale, mission, and beliefs.

The district management standard should include examples like the following:

- Orderly operation of schools;
- Appropriate student supervision;
- Opportunities for high student achievement in a productive learning environment;
- Support and assistance for students at risk of failure;
- Planned and positive school atmosphere;
- Regular and punctual school attendance;
- Respect for school property; and,
- Cooperation and productivity.

The district processes and procedures should include examples like the following:

- Rights and responsibilities for students, parents, teachers, principals and transportation;
- Student conduct;
- Disciplinary action and consequences;
- Grievance procedures;
- Transportation;
- Special education;
- Alternative education;
- Drug policies;
- Physical restraint;
- Time out room use;
- Field trips;
- Reports to law enforcement;
- Parent/student consent form; and,
- Definitions.

Section IV

Responsibility and Authority of the District Board of Education

Issue	KY Statutes	KY Regulations	Other
State-wide Student Discipline Guidelines authorization	KRS 158.148		
Parent/student distribution and public inspection	KRS 158.148		
Gun-free provision	KRS 158.150		Gun-Free Schools Act, 20 U.S.C. §7961
Criminal acts reporting in close proximity to a public school	KRS 158.155		
Board requirement to adopt polices concerning the conduct and discipline of students	KRS 158.148; KRS 158.150; KRS 158.440; KRS 160.290; KRS 160.340		
Center for school safety responsibility for developing model contracts for cooperative education-related services	KRS 158.443		House Bill 330 (1998)
School safety and discipline assessment	KRS 158.445		
Student code including student responsibilities	KRS 158.148; KRS 158.150; KRS 160.295		
Student policies on file in central offices	KRS 160.340		
Attention to student rights	KRS 161.180		

Responsibility and Authority of the Superintendent and District

Issue	KY Statutes	KY Regulations	Other
Superintendent responsibility for “overall implementation and supervision” of the District Discipline Code	KRS 158.148; KRS 160.370		
Superintendent authority to suspend students	KRS 158.150		

Responsibility and Authority of the School-based Decision Making Council

Issue	KY Statutes	KY Regulations	Other
Adoption of policies addressing “selection and implementation of discipline and classroom management techniques a part of the comprehensive school safety plan...”	KRS 158.148; KRS 160.345		

Student Rights and Responsibilities

Issue	KY Statutes	KY Regulations	Other
Conduct conformity/ disciplinary action	KRS 158.150		
Conduct infringing on the rights of others	KRS 160.295		
“Access to a safe, secure and orderly school”	KRS 158.440		
Code applied uniformly and fairly, without partiality or discrimination	KRS 158.148		

Section V

Legislation References to Develop District Board Policies and Discipline Code

Processes and Procedures

Process/Procedure	KY Statute	KY Regulation	Other
Due process	KRS 160.295; KRS 158.150		
Discrimination			1 st /14 th Amendments of the U.S. Constitution; Americans with Disabilities Act, 42 U.S.C. §12101 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §701 et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.
Student records disclosure	KRS 61.878; KRS 160.700; KRS 160.705; KRS 160.710; KRS 160.720; KRS 160.730		Family Education Rights and Privacy Act 1974, 20 U.S.C. §1232(g)
Student records maintenance	KRS 161.200		
Student records transfer	KRS 158.032		
Grades, grade reduction and loss of credit	KRS 158.140		79 OAG 539
Search and seizure	KRS 158.150; KRS 158.441		4 th Amendment of the U.S. Constitution; 79 OAG 168; 93 OAG 32

Student Consequences

Student Consequence	KY Statutes	KY Regulations	Other
Alternative education	KRS 158.150; KRS 158.444; KRS 160.345; KRS 161.020	704 KAR 19:002	
Corporal punishment	KRS 160.345; KRS 503.110		78 OAG 704
Non-discrimination and children with disabilities: suspension/expulsion	KRS 157.200; KRS 158.150		Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq.
Non-discrimination and children with disabilities: weapons/illegal drugs	KRS 158.150		20 U.S.C. §1415
Disciplinary action and expulsion/suspension	KRS 157.320; KRS 158.148; KRS 158.150		521 S.W. 2d 76 (Ky. 1975); 77 OAG 547; 20 U.S.C. §1415
In-school alternative to suspension (alternative education programs)	KRS 158.148		
Detention			61 OAG 293
Probation	KRS 160.290		

Student Violations

Student Violations	KY Statutes	KY Regulations	Other
Attendance	KRS 159.010; KRS 159.030; KRS 159.051		
Drugs and alcohol	KRS 158.150; KRS 218A.500; KRS 218A.510		Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §7101 et seq.; 82 OAG 633
Tobacco	KRS160.290; KRS160.340; KRS 438.050; KRS 438.311		Pro-Children Act of 1994, 20 U.S.C. §§6081-6084; 79 OAG 168; 93 OAG 32

Student Violations	KY Statutes	KY Regulations	Other
Truancy	KRS 159.010; KRS 159.080; KRS 159.130; KRS 159.150		
Theft and vandalism	KRS 158.150; KRS 405.025		
Student dress code	KRS 160.290; KRS 160.295		1 st & 14 th Amendments of the U.S. Constitution; 73 OAG 284
Weapons	KRS 158.154; KRS 158.150; KRS 527.020; KRS 527.070; KRS 527.100		Gun-Free Schools Act, 20 U.S.C. §7961
Bus discipline	KRS 158.150; KRS 161.180	702 KAR 5:030; 702 KAR 5:080	78 OAG 392
Personal telecommunication devices	KRS 158.165		National School Lunch Act, 42 U.S.C. §1751
Gangs	KRS 158.150; KRS 160.295; KRS 506.140		