

1 AN ACT relating to public school transportation.

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

3 ➔Section 1. KRS 158.110 is amended to read as follows:

4 (1) Boards of education may provide transportation from their general funds or
5 otherwise for any pupil of any grade to the nearest school to the pupil's residence
6 within the district if the pupil does not live within a reasonable walking distance to
7 such nearest school of appropriate grade level. The local board may provide
8 transportation by means of a board-operated transportation system, transit
9 authorities organized and operating pursuant to KRS Chapter 96A, local
10 governmental mass transit systems, and individual contracted buses and vehicles.

11 (2) When space is not available at the nearest school, boards of education may provide
12 transportation from their general funds or otherwise for any pupil of any grade who
13 does not live within a reasonable walking distance to the nearest school of
14 appropriate grade level where space is available. Transportation may be provided
15 by means pursuant to subsection (1) of this section.

16 (3) Public elementary and secondary schools shall not change their present grade level
17 structure without written permission from the Kentucky Board of Education.

18 (4) The boards of education shall adopt ***policies to ensure***~~[such rules and regulations as
19 will insure]~~ the comfort, health, and safety of the ***pupils***~~[children]~~ who are
20 transported, consistent with the ~~[rules and]~~regulations of the Kentucky Board of
21 Education ***regarding***~~[dealing with]~~ the transportation of pupils.

22 ***(5) Boards of education shall adopt a transportation services policy based on the***
23 ***statewide transportation services policy guidelines. The transportation services***
24 ***policy shall contain the terms and conditions for use of transportation services***
25 ***for pupils who are transported and for their parents, legal guardians, or other***
26 ***persons exercising custodial control or supervision of the pupils who are***
27 ***transported, consistent with the requirements of Section 2 of this Act.***

1 ➔ Section 2. KRS 158.148 is amended to read as follows:

2 (1) ~~{(a)}~~ As used in this section: ~~{;}~~

3 (a) 1. "Bullying" means any unwanted verbal, physical, or social behavior
4 among students that involves a real or perceived power imbalance and is
5 repeated or has the potential to be repeated:

6 a. {1.} That occurs on school premises, on school-sponsored
7 transportation, or at a school-sponsored event; or

8 b. {2.} That disrupts the education process; and ~~{;}~~

9 2. {(b)} This definition shall not be interpreted to prohibit civil exchange
10 of opinions or debate or cultural practices protected under the state or
11 federal Constitution where the opinion expressed does not otherwise
12 materially or substantially disrupt the education process; and ~~{;}~~

13 (b) "Parent or guardian" means a parent, legal guardian, or other person
14 exercising custodial control or supervision of a student.

15 (2) In cooperation with the Kentucky Education Association, the Kentucky School
16 Boards Association, the Kentucky Association of School Administrators, the
17 Kentucky Association of Professional Educators, the Kentucky Association of
18 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber
19 of Commerce, the Farm Bureau, members of the Interim Joint Committee on
20 Education, and other interested groups, and in collaboration with the Center for
21 School Safety, the Department of Education shall develop or update as needed and
22 distribute to all districts by August 31 of each even-numbered year, ~~beginning~~
23 ~~August 31, 2008~~]:

24 (a) Statewide student discipline guidelines to ensure safe schools, including the
25 definition of serious incident for the reporting purposes as identified in KRS
26 158.444;

27 (b) Statewide transportation services policy guidelines to ensure the safety of

1 *students, operators of vehicles, and other passengers using district-provided*
 2 *transportation.*

3 (c) Recommendations designed to improve the learning environment and school
 4 climate, parental and community involvement in the schools, and student
 5 achievement; and

6 (d)(e) ~~[A] Model [policy]~~ *policies* to implement the provisions of this section
 7 and *Section 1 of this Act*, KRS 158.156, 158.444, 525.070, and 525.080.

8 (3) The department shall obtain statewide data on major discipline problems and
 9 reasons why students drop out of school. In addition, the department, in
 10 collaboration with the Center for School Safety, shall identify successful strategies
 11 currently being used in programs in Kentucky and in other states and shall
 12 incorporate those strategies into the statewide *student discipline* guidelines,
 13 *transportation services policy guidelines*, and the recommendations under
 14 subsection (2) of this section.

15 (4) Copies of the *statewide student* discipline guidelines *and the transportation*
 16 *services policy guidelines* shall be distributed to all school districts. The statewide
 17 *student discipline* guidelines shall contain broad principles and legal requirements
 18 to guide local districts in *the development of* ~~[developing]~~ their own *code of*
 19 *acceptable behavior and* discipline; ~~[code and school councils in]~~ the selection of
 20 discipline and classroom management techniques *by school councils* under KRS
 21 *160.345; the development of the district transportation services policy* ~~[158.154];~~
 22 and ~~[in]~~ the development of the district-wide safety plan.

23 (5) (a) Each local board of education shall *adopt* ~~[be responsible for formulating]~~ a
 24 code of acceptable behavior and discipline *based on the statewide student*
 25 *discipline guidelines that shall* ~~[to]~~ apply to the students in each school
 26 operated by the board. The code shall be updated no less frequently than every
 27 two (2) years, ~~[with the first update being completed by November 30, 2008].~~

1 (b) The superintendent, or designee, shall be responsible for overall
 2 implementation and supervision, and each school principal shall be
 3 responsible for administration and implementation within each school. Each
 4 school council shall select and implement the appropriate discipline and
 5 classroom management techniques necessary to carry out the code. The board
 6 shall establish a process for a two-way communication system for teachers
 7 and other employees to notify a principal, supervisor, or other administrator of
 8 an ~~existing~~ emergency.

9 (c) The code shall prohibit bullying.

10 (d) The code shall contain the standard~~type~~ of behavior expected from each
 11 student, the consequences of failure to obey the standards, and the importance
 12 of the standards to the maintenance of a safe learning environment where
 13 orderly learning is possible and encouraged.

14 (e) The code shall contain:

15 1. Procedures for identifying, documenting, and reporting incidents of
 16 bullying, incidents of violations of the code, and incidents for which
 17 reporting is required under KRS 158.156;

18 2. Procedures for investigating and responding to a complaint or a report of
 19 bullying or a violation of the code, or of an incident for which reporting
 20 is required under KRS 158.156, including reporting incidents to the
 21 parents or ~~legal~~ guardians~~, or other persons exercising custodial~~
 22 ~~control or supervision~~ of the students involved;

23 3. A strategy or method of protecting ~~from retaliation~~ a complainant or
 24 person reporting;

25 a. An incident of bullying;~~;~~

26 b. A violation of the code;~~;~~ or

27 c. An incident for which reporting is required under KRS 158.156;

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from retaliation;

4. A process for informing students, parents ~~or~~ 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 **acceptable** behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.
- (g) A copy of the code of **acceptable** 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 ~~or~~ legal guardians ~~or other persons exercising custodial control or supervision~~ shall be provided copies of the code.

(6) (a) Each local board of education shall adopt a transportation services policy to apply to students while on transportation provided for or by the district, and to their parents or guardians. The policy shall be updated no less frequently than every two (2) years, with the first update being completed by the first instructional day of the 2024-2025 school year.

(b) The superintendent or designee shall be responsible for overall implementation and supervision. The board shall select and implement the appropriate discipline and transportation management techniques necessary to carry out the policy. The board shall establish a process for a two-way communication system for bus drivers and other employees,

1 volunteers, or contractors to notify a supervisor, superintendent, or other
2 administrator of an emergency.

3 (c) The policy shall contain the standard of behavior expected from each
4 student while being transported by or for the district and the consequences
5 of failure to obey the standards. The policy shall include:

6 1. Procedures for identifying, documenting, and reporting incidents of
7 bullying, incidents of violations of the policy, 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
10 of bullying or a violation of the policy, or of an incident for which
11 reporting is required under KRS 158.156, including reporting
12 incidents to the parents or guardians of the students involved;

13 3. A strategy or method of protecting a complainant or person reporting
14 a violation of the policy from retaliation;

15 4. When a student is alleged by an operator of transportation to have
16 committed a violation of the policy that places the student or others at
17 risk of physical harm or otherwise makes it unsafe for the driver to
18 continue transporting students, and as permitted by state and federal
19 law, a process that allows the operator of the vehicle to:

20 a. Refuse further transportation of the student at the time of the
21 incident, upon notification of the emergency pursuant to
22 paragraph (b) of this subsection, and transfer the student to:

23 i. An appropriate district official who has reported to the
24 location of the vehicle;

25 ii. An appropriate district official located at a location
26 designated in the transportation services policy or by an
27 appropriate district official, including but not limited to a

- 1 bus compound or transfer station;
- 2 iii. Law enforcement; or
- 3 iv. The student's parent or guardian; and
- 4 b. Upon filing and submitting a written report to the superintendent
- 5 or designee, refuse future transportation of the student until an
- 6 interim or final determination of disciplinary action by the
- 7 superintendent or designee pursuant to local board policy;
- 8 5. For alleged violations of the policy not covered by subparagraph 4. of
- 9 this paragraph and submitted by the operator of the vehicle, a
- 10 requirement that the superintendent or designee shall issue an interim
- 11 or final determination of disciplinary action pursuant to local board
- 12 policy within one (1) week of the report being submitted;
- 13 6. A process allowing for the operator of a vehicle to:
- 14 a. File a written or electronic complaint or report of the
- 15 misconduct, including a recommendation regarding revocation
- 16 of the student's transportation privileges; and
- 17 b. Be heard during any disciplinary proceedings against a student
- 18 relating, at least in part, to misconduct that occurred during the
- 19 operator's transportation of the student;
- 20 7. A requirement that any recommendation by the operator of a vehicle
- 21 shall be considered by the superintendent or designee as a factor in
- 22 the interim or final determination of disciplinary action on the
- 23 complaint or report;
- 24 8. A requirement that the operator of a vehicle, to the extent permitted by
- 25 law, receive written notice from the superintendent or designee of the
- 26 investigation, disciplinary action imposed, and reasoning in response
- 27 to the reported misconduct; and

- 1 9. A disciplinary structure that provides for:
- 2 a. Interventions or disciplinary consequences that reflect the
- 3 severity of the violation; and
- 4 b. Increased intervention and consequences upon subsequent
- 5 violations of the policy.
- 6 (d) The policy shall contain the standard of behavior expected from parents or
- 7 guardians of students being transported by or for the district while
- 8 interacting with district transportation staff and the consequences of failure
- 9 to follow the standards. The policy shall include:
- 10 1. Procedures for investigating and responding to a complaint or report
- 11 made by an operator of transportation alleging parent or legal
- 12 guardian misconduct;
- 13 2. To the extent permitted by state and federal law, a process allowing the
- 14 operator of a vehicle providing student transportation to immediately
- 15 refuse a student's riding privileges when:
- 16 a. The operator has a good faith belief that a student's parent or
- 17 guardian has acted in a threatening or aggressive manner
- 18 towards the operator, school personnel, or other transported
- 19 students in relation to transportation provided for or by the
- 20 district; and
- 21 b. At the time of refusal:
- 22 i. Responsibility for the student remains with the student's
- 23 parent or guardian; or
- 24 ii. The student is transferred to an appropriate district official
- 25 who has reported to the location of the vehicle, to an
- 26 appropriate district official located at a designated location,
- 27 including but not limited to a bus compound or transfer

1 station, or to law enforcement;

2 3. A process for the transportation operator to exercise discretion in
3 continuing refusal of a student's riding privileges based upon alleged
4 misconduct of a threatening or aggressive manner by a parent or
5 guardian until an interim or final determination of disciplinary action
6 is rendered pursuant to local board policy;

7 4. A requirement that the operator of a vehicle be provided an
8 opportunity to be heard and to make a recommendation regarding
9 future transportation of the student during any disciplinary
10 proceedings relating, at least in part, to alleged misconduct by the
11 student's parent or guardian and the impact upon a student's
12 transportation privileges; and

13 5. An intervention or consequences structure that provides for the
14 placement of conditions upon or revocation of a student's
15 transportation privileges based upon parent or guardian misconduct
16 that provides for:

17 a. Interventions or consequences that reflect the severity of the
18 parent or guardian's misconduct; and

19 b. Increased intervention and consequences upon subsequent
20 violations of the policy.

21 (e) The policy shall include the following statement: "KRS 519.020 makes it a
22 Class A misdemeanor for a person to obstruct governmental operations,
23 which includes intentionally obstructing, impairing, or hindering the
24 performance of a governmental function by using or threatening to use
25 violence, force or physical interference."

26 (f) The policy shall include a process for an operator of a vehicle, upon the
27 reinstatement of a student's transportation privileges after an interim or

1 final determination of disciplinary action, to elect to receive an alternate
2 route assignment in lieu of transporting the student.

3 (g) The superintendent or designee of each district shall apply the
4 transportation services policy uniformly and fairly to each student without
5 partiality or discrimination.

6 (h) The superintendent or designee shall require every student in the district
7 and at least one (1) parent or guardian of each student to acknowledge in
8 writing the receipt, comprehension, and agreement of adherence to the
9 transportation safety policy within seven (7) days of the student's first day of
10 attendance during each school year. Failure to submit written
11 acknowledgement by a student or their parent or guardian may be grounds
12 for revocation of a student's transportation privileges until the
13 acknowledgement is properly received.

14 ➔Section 3. KRS 158.445 is amended to read as follows:

15 (1) Each local school shall conduct~~begin~~ an assessment of school safety and student
16 discipline ~~[during the 1998-1999 school year]~~ including a review of the following:

- 17 (a) Reports of school incidents relating to disruptive behaviors;
- 18 (b) The school's behavior and discipline codes for clarity and appropriate notice
19 to students and parents;
- 20 (c) The school's hierarchy of responses to discipline problems and actual
21 disciplinary outcomes;
- 22 (d) Training needs for instructional staff in classroom management, student
23 learning styles, and other specialized training to enhance teachers' capacity to
24 engage students and minimize disruptive behavior;
- 25 (e) The array of school services to students at risk of academic failure, dropping
26 out, or truancy;
- 27 (f) The engagement of parents at the earliest stages of problem behavior;

- 1 (g) Training needs for students in the development of core values and qualities of
2 good character, anger reduction, conflict resolution, peer mediation, and other
3 necessary skills;
- 4 (h) Training needs of parents;
- 5 (i) Existing school council policies relating to student discipline and student
6 information;
- 7 (j) The school's physical environment;
- 8 (k) The school's student supervision plan;
- 9 (l) Existing components of the school improvement plan or consolidated plan
10 that focus on school safety and at-risk students, and the effectiveness of the
11 components; and
- 12 (m) Other data deemed relevant by the school council or school administration.

13 A school that does not complete an assessment process shall not be eligible for
14 funds under the state school safety grant program~~[in 1999 2000 and subsequent~~
15 ~~years]~~.

16 (2) ~~[By May 15, 1999,]~~Each local school district shall complete a district-level
17 assessment of district-level data, resources, policies and procedures, and district-
18 wide needs as identified from the individual school assessment process. The district
19 shall engage local community agencies including law enforcement and the courts in
20 the assessment process.

21 (3) As a result of the district assessment and analysis of data, resources, and needs,
22 each board of education shall adopt a plan for immediate and long-term strategies to
23 address school safety and discipline. The development of the plan shall involve at
24 least one (1) representative from each school in the district as well as
25 representatives from the community as a whole, including representatives from the
26 local juvenile delinquency prevention council if a council exists in that community.
27 The process of planning shall be determined locally depending to a large extent on

1 the size and characteristics of the district.

2 (4) The district plan under subsection (3) of this section shall be the basis for any

3 request for funds under the state school safety grant program~~[for 1999-2000 and~~

4 ~~subsequent years]~~. The district plan shall include the local code of acceptable

5 behavior and discipline **and the transportation services policy** as required under

6 KRS 158.148 and a description of instructional placement options for threatening or

7 violent students.