

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~~[pupils]~~ 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~~[not less than one (1)~~
20 ~~year]~~ for a student who is determined by the board to have brought a weapon
21 to a school under its jurisdiction. In determining whether a student has
22 brought a weapon to school, a local board of education shall use the definition
23 of "unlawful possession of a weapon on school property" stated in KRS
24 527.070.

25 (b) The board shall also adopt a policy requiring disciplinary actions, up to and
26 including expulsion from school, for a student who is determined by the board
27 to have possessed prescription drugs or controlled substances for the purpose

1 of sale or distribution at a school under the board's jurisdiction, or to have
2 physically assaulted or battered or abused educational personnel or other
3 students at a school or school function under the board's jurisdiction.

4 **(3) (a)** The board may modify the expulsion requirement **and length** for students on a
5 case-by-case basis, **except as described in paragraph (a) of subsection (2) of**
6 **this section. Nothing in this section shall prohibit a board from expelling a**
7 **student for longer than twelve (12) months.**

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

22 **(c) 1. In lieu of expelling a student, or upon the expiration of a student's**
23 **expulsion, a board may place a student into an alternative program or**
24 **setting, if the board determines placement of the student in his or her**
25 **regular school setting is likely to substantially disrupt the education**
26 **process or constitutes a threat to the safety of other students or school**
27 **staff. The action shall not be taken until the parent, guardian, or other**

- 1 person having legal custody or control of the student has had an
- 2 opportunity to have a hearing before the board.
- 3 2. The alternative program or setting may be provided virtually.
- 4 3. Notwithstanding any other statute or administrative regulation to the
- 5 contrary, students placed in an alternative program or setting under
- 6 this paragraph shall be counted in attendance and membership for
- 7 state funding purposes in the same manner as other students
- 8 participating in alternative programs of the district.
- 9 4. Students placed in an alternative program or setting under this
- 10 paragraph shall be subject to compulsory attendance requirements
- 11 under KRS Chapter 159 and applicable local board policy.
- 12 5. Following the initial alternative placement of a student under this
- 13 paragraph, the board shall review the alternative program or setting
- 14 placement at least once per year and determine if the placement
- 15 should be continued in accordance with subparagraph 1. of this
- 16 paragraph.

17 ~~(4)~~~~(3)~~ For purposes of this subsection, "charges" means substantiated behavior that
 18 falls within the grounds for suspension or expulsion enumerated in subsection (1) of
 19 this section, including behavior committed by a student while enrolled in a private
 20 or public school, or in a school within another state. A school board may adopt a
 21 policy providing that, if a student is suspended or expelled for any reason or faces
 22 charges that may lead to suspension or expulsion but withdraws prior to a hearing
 23 from any public or private school in this or any other state, the receiving district
 24 may review the details of the charges, suspension, or expulsion and determine if the
 25 student will be admitted, and if so, what conditions may be imposed upon the
 26 admission, which may include placement of the student into an alternative
 27 program or setting as described in paragraph (c) of subsection (3) of this section.

1 ~~(5)~~~~(4)~~ School administrators, teachers, or other school personnel may immediately
 2 remove or cause to be removed threatening or violent students from a classroom
 3 setting or from the district transportation system pending any further disciplinary
 4 action that may occur. Each board of education shall adopt a policy to assure the
 5 implementation of this section and to assure the safety of the students and staff.

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

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

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

19 ~~(7)~~~~(6)~~ (a) The superintendent, principal, assistant principal, or head teacher of any
 20 school may suspend a student~~[pupil]~~ but shall report the action in writing
 21 immediately to the superintendent and to the parent, guardian, or other person
 22 having legal custody or control of the student~~[pupil]~~.

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

1 board. The decision of the board shall be final.

2 **2. Within thirty (30) days prior to the end of a student's expulsion, the**
 3 **board shall review the details of the expulsion and current factors and**
 4 **circumstances, including if ending the expulsion will substantially**
 5 **disrupt the education process or constitute a threat to the safety of**
 6 **students or school staff, to determine if the expulsion shall be**
 7 **extended for a period not to exceed twelve (12) months.**

8 **3. The expulsion review process shall be used prior to the end of each**
 9 **expulsion period until the board ends the expulsion or the student is**
 10 **no longer subject to compulsory attendance under KRS 159.010.**

11 **4. Each board of education shall adopt a policy for implementation of**
 12 **the process described in this paragraph.**

13 ~~(8)~~~~(7)~~ (a) Suspension of exceptional children, as defined in KRS 157.200, shall be
 14 considered a change of educational placement if:

15 1. The child is removed for more than ten (10) consecutive days during a
 16 school year; or

17 2. The child is subjected to a series of removals that constitute a pattern
 18 because the removals accumulate to more than ten (10) school days
 19 during a school year and because of other factors, such as the length of
 20 each removal, the total amount of time the child is removed, and the
 21 proximity of removals to one another.

22 (b) The admissions and release committee shall meet to review the placement and
 23 make a recommendation for continued placement or a change in placement
 24 and determine whether regular suspension or expulsion procedures apply.
 25 Additional evaluations shall be completed, if necessary.

26 (c) If the admissions and release committee determines that an exceptional child's
 27 behavior is related to his or her disability, the child shall not be suspended

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

15 ~~(9)~~⁽⁸⁾ Suspension of primary school students shall be considered only in exceptional
16 cases where there are safety issues for the child or others.

17 ~~(10)~~⁽⁹⁾ Any action under this section related to students with disabilities shall be in
18 compliance with applicable federal law.