



Kentucky Compilation of School Discipline Laws and Regulations

Prepared: March 31, 2023

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2023. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:



**National Center on Safe Supportive
Learning Environments**

Engagement • Safety • Environment

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- [158.4415.](#) Kentucky State Police school resource officer (KSPSRO), specifications for employment as a school resource officer by a school district - When officer considered an employee of the school district and when an employee of the Kentucky State Police - Duties and prohibited activities - Funding of position - Rights, privileges, immunities, and matters of defense protected
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- [158.445.](#) Local assessment of school safety and school discipline - District assessment - Local plans
- [158.4451.](#) The Kentucky Office of Homeland Security, after collaboration with others, shall make available an anonymous reporting tool to allow students, parents, and community members to supply information about potentially harmful, dangerous, or criminal activities to public safety agencies and school officials - Goal is to facilitate widespread awareness of the reporting tool and to provide a comprehensive training and awareness program on the use of the tool
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Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

KRS 158.148. Definition of "bullying"- Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(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. [...]

(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.

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option.

(2)(a) Each local board of education shall adopt a policy requiring the expulsion from school for a period of at least 12 months for a student who:

1. Is determined by the board through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff of the district; or
2. Is determined by the board to have brought a weapon to a school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of "unlawful possession of a weapon on school property" stated in KRS 527.070.

(b) The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have:

1. Possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction; or
2. Physically assaulted or battered or abused educational personnel or other students at a school or school function under the board's jurisdiction; or
3. Physically assaulted, battered, or abused educational personnel or other students off school property and the incident is likely to substantially disrupt the educational process.

(3)a) The board may modify the expulsion requirement and length for students on a case-by-case basis, except the length of expulsion shall at least be twelve(12) months for a violation set forth in subsection (2)(a) of this section.

(b) Nothing in this section shall prohibit a board from expelling a student for longer than twelve(12) months.

(c) A board that has expelled a student from the student's regular school setting shall provide or ensure that educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be

placed into a state-funded agency program. Behavior which constitutes a threat shall include but not be limited to the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drugs or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior which may endanger the safety of others. Other intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost.

KRS 158.440. Legislative findings on school safety and order.

The General Assembly finds that:

- (1) Every student should have access to a safe, secure, and orderly school that is conducive to learning;
- (2) All schools and school districts must have plans, policies, and procedures dealing with measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior; and
- (3) State and local resources are needed to enlarge the capacities for research, effective programming, and program evaluation that lead to success in addressing safety and discipline within the schools

KRS 158.445. Local assessment of school safety and school discipline - District assessment - Local plans.

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

(4) The district plan under subsection (3) of this section shall be the basis for any request for funds under the state school safety grant program for 1999-2000 and subsequent years. The district plan shall include the local code of acceptable behavior and discipline as required under KRS 158.148 and a description of instructional placement options for threatening or violent students.

KRS 160.345. Definitions -- Required adoption of school councils for school-based decision making -- Composition -- Responsibilities -- Personnel decisions -- Procedures to fill vacancy in principal position -- Professional development -- Exemption -- Formula for allocation of school district funds - - Intentionally engaging in conduct detrimental to school-based decision making by board member, superintendent, district employee, or school council member -- Complaint procedure -- Disciplinary action -- Rescission of right to establish and powers of council -- Wellness policy.

- (i) The school council shall adopt a policy that shall be consistent with local board policy and shall be implemented by the principal in the following additional areas:
 - 7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal

REGULATIONS

KAR 7:170 Corporal Punishment

Section 7.

- (1) Each local board of education shall adopt a policy that either:

- (a) Prohibits the use of corporal punishment in the district; or
 - (b) Allows the use of corporal punishment in the district.
- (2) If the local board of education adopts a policy allowing the use of corporal punishment, its policy shall:
- (a) Define the circumstances under which corporal punishment may be deployed which shall not exceed the justification included in KRS 503.110;
 - (b) Define the procedures for deploying corporal punishment;
 - (c) Define the tool or instrument to be used when administering corporal punishment and include a prohibition on the use of dangerous instruments or deadly weapons;
 - (d) Define the limits on corporal punishment and ensure that corporal punishment shall not result in physical injury or serious physical injury; and
 - (e) Define the procedures for documenting and reporting corporal punishment.

Scope

LAWS

KRS 158.148. Definition of "bullying"- Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(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.

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option.

(1) All students admitted to the common schools shall comply with the lawful regulations for the government of the schools:

- (a) Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property, as well as off school property at school-sponsored activities, constitutes cause for suspension or expulsion from school; and
- (b) Assault or battery or abuse of school personnel; stealing or willfully or wantonly defacing, destroying, or damaging the personal property of school personnel on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school.

KRS 158.154. Principal's duty to report certain acts to local law enforcement agency.

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 161.180. Supervision of pupils' conduct.

(1) Each teacher and administrator in the public schools shall in accordance with the rules, regulations, and bylaws of the board of education made and adopted pursuant to KRS 160.290 for the conduct of

pupils, 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.

(2) The various boards of education of the Commonwealth of Kentucky, and the principals of the public schools, may use teacher's aides in supervisory capacities, such as playground supervision, hallway supervision, lunchroom and cafeteria supervision, and other like duties, including, but not limited to, recreational activities and athletic events, relating to the supervision and control of the conduct of the pupils; and while so engaged, such teacher's aides shall have the same authority and responsibility as is granted to and imposed by law upon teachers in the performance of the same or similar duties.

KRS 438.345. Use of tobacco products, alternative nicotine products, and vapor products on school property and during school activities - Written policies - Penalties - Board may opt out.

(2) The use of any tobacco product, alternative nicotine product, or vapor product:

- (a) Shall be prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education;
- (b) Shall be prohibited for all students while attending or participating in any school-related student trip or student activity; and
- (c) Is prohibited for school district employees, volunteers, and all other individuals affiliated with a school while the user is attending or participating in any school-related student trip or student activity and is in the presence of a student or students.

(3) On or before July 1, 2020, each local board of education shall implement this section by adopting written policies that prohibit the use of tobacco products, alternative nicotine products, and vapor products pursuant to this section. The policies shall provide for:

- (a) Adequate notice regarding the policy to be provided to students, parents and guardians, school employees, and the general public;
- (b) A requirement to post signage on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education, clearly stating that use of tobacco products, alternative nicotine products, and vapor products is prohibited at all times and by all persons on or in the property; and
- (c) A requirement that school employees enforce the policies.

REGULATIONS

No relevant regulations found.

Communication of Policy

LAWS

KRS 158.148. Definition of "bullying"- Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(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)(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.

KRS 158.1559. Superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents, and guardians about the provisions of KRS 508.078, and the potential penalties for terroristic threatening - Notice shall be given within ten days of the first instructional day of each school year.

The superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents, and guardians of students within ten (10) days of the first instructional day of each school year of the provisions of KRS 508.078 and potential penalties under KRS 532.060 and 534.030 upon conviction.

KRS 438.345. Use of tobacco products, alternative nicotine products, and vapor products on school property and during school activities - Written policies - Penalties - Board may opt out.

(2) The use of any tobacco product, alternative nicotine product, or vapor product:

- (a) Shall be prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education;
- (b) Shall be prohibited for all students while attending or participating in any school-related student trip or student activity; and
- (c) Is prohibited for school district employees, volunteers, and all other individuals affiliated with a school while the user is attending or participating in any school-related student trip or student activity and is in the presence of a student or students.

(3) On or before July 1, 2020, each local board of education shall implement this section by adopting written policies that prohibit the use of tobacco products, alternative nicotine products, and vapor products pursuant to this section. The policies shall provide for:

- (a) Adequate notice regarding the policy to be provided to students, parents and guardians, school employees, and the general public;
- (b) A requirement to post signage on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education, clearly stating that use of tobacco products, alternative nicotine products, and vapor products is prohibited at all times and by all persons on or in the property; and
- (c) A requirement that school employees enforce the policies.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 2.

- (1) Each local school district shall establish policies and procedures that:
 - (a) Ensure school personnel are aware of and parents are notified how to access the policies and procedures regarding physical restraint and seclusion.

In-School Discipline

Discipline Frameworks

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher Authority to Remove Students From Classrooms

LAWS

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option.

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

(b) Except as described in subsection (10) of this section:

1. A principal may establish procedures for a student's removal from and reentry to the classroom when the student's behavior disrupts the classroom environment and education process or the student challenges the authority of a supervising adult. In addition to removal, the student shall be subject to further discipline for the behavior consistent with the school's code of conduct.
2. A student who is removed from the same classroom three (3) times within a thirty (30) day period shall be considered chronically disruptive and may be suspended from school in accordance with the section, and no other basis for suspension shall be deemed necessary.
3. At any time during the school year, for a student who has been removed from the classroom under this paragraph, a principal may require a review of the classroom issues with the teacher and the parent, guardian, or other person having legal custody or control of the student and determine a course of action for the teacher and student regarding the student's continued placement in the classroom.
4. At any time during the school year, a principal may permanently remove a student from a classroom for the remainder of the school year if the principal determines the student's continued placement in the classroom with chronically disrupt the education process for other students.
5. When a student is removed from a classroom under this paragraph temporarily or permanently, the principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to:
 - a. Another classroom in that school;
 - b. An alternative program or setting, which may be provided virtually, as approved by the superintendent
6. Any permanent action by a principal under this paragraph shall be subject to an appeal process in accordance with a policy adopted by the board.
7. Policies compliant with this paragraph shall be included in the code of behavior and discipline adopted by the board of education under KRS 158.148 and the policies adopted by the school council under KRS 160.345.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

KRS 158.150. Suspension or expulsion of students -- Placement into alternative program option.

(3) (d) 1. In lieu of expelling a student, or upon the expiration of a student's expulsion, a superintendent may place a student into an alternative program or setting if the superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the education process or constitutes a threat to the safety of other students or school staff. The action shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity to have a hearing before the board or an appeals committee as described in subparagraph 2. of this paragraph.

2. The board may adopt a policy to establish an appeals committee and delegate the authority to hear appeals made under this paragraph to that committee.

3. The alternative program or setting may be provided virtually.

4. Notwithstanding any other statute or administrative regulation to the contrary, students placed in an alternative program or setting under this paragraph shall be counted in attendance and membership for state funding purposes in the same manner as other students participating in alternative programs of the district.

5. Students placed in an alternative program or setting under this paragraph shall be subject to compulsory attendance requirements under KRS Chapter 159 and applicable local board policy.

6. Following the initial alternative placement of a student under this paragraph, the board shall review the alternative program or setting placement at least once per year and determine if the placement should be continued in accordance with subparagraph 1. of this paragraph.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

KRS 158.444. Administrative regulations relating to school safety - Role of Department of Education to maintain statewide data collection system - Reportable incidents - Annual statistical reports - Confidentiality.

(2) The Kentucky Department of Education shall:

- (a) Collaborate with the Center for School Safety in carrying out the center's mission;
- (b) Establish and maintain a statewide data collection system by which school districts shall report by sex, race, and grade level:

3. The number of suspensions, expulsions, and corporal punishments.

REGULATIONS

KAR 7:170 Corporal Punishment

Section 1.

Definitions.

- (1) "Corporal punishment" means the deliberate infliction of physical pain by any means upon the whole or any part of a student's body as a penalty or punishment for student misbehavior.
- (2) "Dangerous instrument" is defined by KRS 500.080(3).
- (3) "Deadly weapon" is defined by KRS 500.080(4).
- (4) "Evidence-based" is defined by 34 C.F.R. 77.1.
- (5) "Physical injury" is defined by KRS 500.080(13).
- (6) "Qualified mental health professional" is defined by KRS 202A.011(12).
- (7) "Serious physical injury" is defined by KRS 500.080(15).
- (8) "Trauma-informed approach" is defined by KRS 158.4416(1).

Section 2.

A student with an Individual Education Program (IEP) pursuant to 707 KAR Chapter 1, 504 plan pursuant to Section 504 of the Rehabilitation Act of 1973, or identified as a homeless or foster care youth pursuant to 704 KAR 7:090 shall not be subjected to corporal punishment.

Section 3.

(1) Except for a local board of education that prohibits corporal punishment pursuant to Section 7(1)(a) of this administrative regulation, within the first five (5) days of enrollment each school year, the school shall request written consent from the legal guardian of each student to use corporal punishment as a behavior intervention for their child. The written consent shall inform the legal guardian of how to access the student code of conduct, describe the code of conduct violations that may result in corporal punishment, and notify the legal guardian that consent may be withdrawn at any point during the school year. Absent valid written consent signed by the legal guardian, corporal punishment shall not be administered.

(2) Before administering corporal punishment to a pupil, the school shall contact the child's legal guardian to provide prior notification and receive affirmative verbal consent.

Section 4.

Prior to administering corporal punishment to a pupil, the school shall attempt to remedy problematic behavior through the use of evidence-based practices consistent with a trauma-informed approach.

Section 5.

(1) Corporal punishment may only be administered by the Principal or Assistant Principal. Corporal punishment shall only be administered in the presence of at least one (1) additional certified staff member who is the same gender as the student.

(2) Corporal punishment shall not be administered in a location where another student, staff member other than those described in subsection (1) of this section, or adult visitor to the school can see or hear the corporal punishment.

(3) A staff member shall not be compelled to administer or witness corporal punishment.

Section 6.

(1) After administering corporal punishment, the school shall ensure that the student receives a minimum of thirty (30) minutes of counseling provided by the school's guidance counselor, school social worker, school psychologist, or other qualified mental health professional no later than the end of the next school day.

(2) Each incidence of corporal punishment shall be recorded in the student information system. Schools shall report:

- (a) The time and date the punishment was administered;
- (b) The name and position of the individual who administered the punishment;
- (c) The names and positions of any witnesses to the punishment;
- (d) The time and date of the prior consent required under Section 3 of this administrative regulation;
- (e) The name and relationship of the individual providing consent under Section 3 of this administrative regulation;
- (f) The behavioral interventions deployed prior to corporal punishment as required under Section 4 of this administrative regulation; and
- (g) The time and date of the student counseling appointment required under Section 5 of this administrative regulation.

Search and Seizure

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Restraint and Seclusion

LAWS

No relevant laws found.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 1. Definitions.

- (1) "Aversive behavioral interventions" means a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.
- (2) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous or inappropriate, or otherwise impedes the learning of the students.
- (3) "Chemical restraint" means the use of medication to control behavior or restrict a student's freedom of movement that includes over-the-counter medications used for purposes not specified on the label but does not include medication prescribed by a licensed medical professional and supervised by qualified and trained individuals in accordance with professional standards.
- (4) "Dangerous behavior" means behavior that presents an imminent danger of physical harm to self or others but does not include inappropriate behaviors such as disrespect, noncompliance, insubordination, or out of seat behaviors.
- (5) "De-escalation" means the use of behavior management techniques intended to:
 - (a) Mitigate and defuse dangerous behavior of a student; or
 - (b) Reduce the imminent danger of physical harm to self or others.
- (6) "Emancipated youth" means a student under the age of eighteen (18) who is or has been married or has by court order or otherwise been freed from the care, custody, and control of the student's parents.
- (7) "Emergency" means a sudden, urgent occurrence, usually unexpected but sometimes anticipated, that requires immediate action.
- (8) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement, but does not include:
 - (a) A device implemented by trained school personnel or utilized by a student that has been prescribed by an appropriate medical or related services professional that is used for the specific and approved purposes for which the device was designed;
 - (b) An adaptive device or mechanical support used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of the device or mechanical support;
 - (c) A vehicle safety restraint if used as intended during the transport of a student in a moving vehicle;
 - (d) Restraint for medical immobilization; or
 - (e) An orthopedically prescribed device that permits a student to participate in activities without risk of harm.
- (9) "Parent" means a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian of the student.
- (10) "Physical Restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely, but does not include:
 - (a) Temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of encouraging a student to move voluntarily to a safe location;
 - (b) A behavioral intervention, such as proximity control or verbal soothing, used as a response to calm and comfort an upset student;
 - (c) Less restrictive physical contact or redirection to promote student safety; or
 - (d) Physical guidance or prompting when teaching a skill or redirecting the student's attention.
- (11) "Positive behavioral supports" means a school-wide systematic approach to embed evidence-based practices and data-driven decision-making to:

- (a) Improve school climate and culture in order to achieve improved academic and social outcomes;
- (b) Increase learning for all students, including those with the most complex and intensive behavior needs;
- (c) Encompass a range of systemic and individualized positive strategies to reinforce desired behaviors;
- (d) Diminish reoccurrence of inappropriate or dangerous behaviors; and
- (e) Teach appropriate behaviors to students.

(12) "Prone restraint" means the student is restrained in a face down position on the floor or other surface, and physical pressure is applied to the student's body to keep the student in the prone position.

(13) "School personnel" means teachers, principals, administrators, counselors, social workers, psychologists, paraprofessionals, nurses, librarians, school resource officers, sworn law enforcement officers, and other support staff who are employed in a school or who perform services in the school on a contractual basis.

(14) "School resource officer" is defined in KRS 158.441(2).

(15) "Seclusion" means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving but does not mean classroom timeouts, supervised in-school detentions, or out-of-school suspensions.

(16) "Student" means any person enrolled in a preschool, school level as established in 703 KAR 5:240, Section 5, or other educational program offered by a local public school district.

(17) "Supine restraint" means the student is restrained in a face up position on the student's back on the floor or other surface, and physical pressure is applied to the student's body to keep the student in the supine position.

(18) "Timeout" means a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

Section 2.

(1) Each local school district shall establish policies and procedures that:

- (a) Ensure school personnel are aware of and parents are notified how to access the policies and procedures regarding physical restraint and seclusion;
- (b) Are designed to ensure the safety of all students, school personnel, and visitors;
- (c) Require school personnel to be trained in accordance with the requirements outlined in Section 6 of this administrative regulation;
- (d) Outline procedures to be followed during and after each use of physical restraint or seclusion, including notice to parents, documentation of the event in the student information system, and a process for the parent or emancipated youth to request a debriefing session;
- (e) Require notification, within twenty four (24) hours, to the Kentucky Department of Education and local law enforcement in the event of death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty resulting from the use of physical restraint or seclusion;
- (f) Outline a procedure by which parents may submit a complaint regarding the physical restraint or seclusion of their child, which shall require the district and school to investigate the circumstances surrounding the physical restraint or seclusion, make written findings, and if appropriate, take corrective action; and
- (g) Outline a procedure to regularly review data on physical restraint and seclusion usage and revise policies as needed.

(2) Each local school district shall revise existing policies or develop policies consistent with this administrative regulation within ninety (90) calendar days of the effective date of this administrative regulation.

Section 3.

(1) Physical restraint shall not be used in a public school or educational program:

- (a) As punishment or discipline;
- (b) To force compliance or to retaliate;
- (c) As a substitute for appropriate educational or behavioral support;
- (d) To prevent property damage, except as permitted under KRS Chapter 503;
- (e) As a routine school safety measure; or
- (f) As a convenience for staff.

(2) School personnel shall not impose the following on any student at any time:

- (a) Mechanical restraint;
- (b) Chemical restraint;
- (c) Aversive behavioral interventions;
- (d) Physical restraint that is life-threatening;
- (e) Prone or supine restraint; or
- (f) Physical restraint if they know that physical restraint is contraindicated based on the student's disability, health care needs, or medical or psychiatric condition.

(3) Physical restraint may only be implemented in a public school or educational program if:

- (a) The student's behavior poses an imminent danger of physical harm to self or others and as permitted under KRS 503.050, 503.070, and 503.110;
- (b) The physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication, unless the student uses sign language or an augmentative mode of communication as the student's primary mode of communication and the implementer determines that freedom of the student's hands for brief periods during the restraint appears likely to result in physical harm to self or others;
- (c) The student's physical and psychological well-being is monitored for the duration of the physical restraint;
- (d) Less restrictive behavioral interventions have been ineffective in stopping the imminent danger of physical harm to self or others, except in the case of a clearly unavoidable emergency situation posing imminent danger of physical harm to self or others; and
- (e) School personnel implementing the physical restraint are appropriately trained as required by Section 6(3) of this administrative regulation, except to the extent necessary to prevent physical harm to self or others in clearly unavoidable emergency circumstances where other school personnel intervene and summon trained school personnel as soon as possible.

(4) When implementing a physical restraint, school personnel shall use only the amount of force reasonably believed to be necessary to protect the student or others from imminent danger of physical harm.

(5) The use of physical restraint shall end as soon as:

- (a) The student's behavior no longer poses an imminent danger of physical harm to self or others; or
- (b) A medical condition occurs putting the student at risk of

harm. Section 4.

(1) Seclusion shall not be used in a public school or educational program:

- (a) As punishment or discipline;
- (b) To force compliance or to retaliate;
- (c) As a substitute for appropriate educational or behavioral support;
- (d) To prevent property damage in the absence of imminent danger of physical harm to self or others;
- (e) As a routine school safety measure;
- (f) As a convenience for staff; or
- (g) As a substitute for timeout.

(2) Seclusion may only be implemented in a public school or educational program if:

- (a) The student's behavior poses an imminent danger of physical harm to self or others;
- (b) The student is visually monitored for the duration of the seclusion;
- (c) Less restrictive interventions have been ineffective in stopping the imminent danger of physical harm to self or others; and
- (d) School personnel implementing the seclusion are appropriately trained to use seclusion.

(3) The use of seclusion shall end as soon as:

- (a) The student's behavior no longer poses an imminent danger of physical harm to self or others; or
- (b) A medical condition occurs putting the student at risk of harm.

(4) A setting used for seclusion shall:

- (a) Be free of objects and fixtures with which a student could inflict physical harm to self or others;
- (b) Provide school personnel a view of the student at all times;
- (c) Provide adequate lighting and ventilation;
- (d) Be reviewed by district administration to ensure programmatic implementation of guidelines and data related to its use;
- (e) Have an unlocked and unobstructed door; and
- (f) Have at least an annual fire and safety

inspection. Section 5.

(1) All physical restraints and seclusions shall be documented by a written record of each use of seclusion or physical restraint and be maintained in the student's education record. Each record of a use of physical restraint or seclusion shall be informed by an interview with the student and shall include:

- (a) The student's name;
- (b) A description of the use of physical restraint or seclusion and the student behavior that resulted in the physical restraint or seclusion;
- (c) The date of the physical restraint or seclusion and school personnel involved;
- (d) The beginning and ending times of the physical restraint or seclusion;
- (e) A description of any events leading up to the use of physical restraint or seclusion including possible factors contributing to the dangerous behavior;
- (f) A description of the student's behavior during physical restraint or seclusion;
- (g) A description of techniques used in physically restraining or secluding the student and any other interactions between the student and school personnel during the use of physical restraint or seclusion;
- (h) A description of any behavioral interventions used immediately prior to the implementation of physical restraint or seclusion;
- (i) A description of any injuries to students, school personnel, or others;

- (j) A description as to how the student's behavior posed an imminent danger of physical harm to self or others;
 - (k) The date the parent was notified;
 - (l) A description of the effectiveness of physical restraint or seclusion in de-escalating the situation;
 - (m) A description of the school personnel response to the dangerous behavior;
 - (n) A description of the planned positive behavioral interventions which shall be used to reduce the future need for physical restraint or seclusion of the student; and
 - (o) For any student not identified as eligible for services under either Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act, documentation of a referral under either law or documentation of the basis for declining to refer the student.
- (2) If the student is not an emancipated youth, the parent of the student shall be notified of the physical restraint and seclusion verbally or through electronic communication, if available to the parent, as soon as possible within twenty-four (24) hours of the incident. If the parent cannot be reached within twenty-four (24) hours, a written communication shall be mailed to the parent via U.S. mail.
- (3) The principal of the school shall be notified of the seclusion or physical restraint as soon as possible, but no later than the end of the school day on which it occurred.
- (4) The physical restraint or seclusion record as outlined in subsection (1) of this section shall be completed by the end of the next school day following the use of seclusion or physical restraint.
- (5) If the parent or emancipated youth requests a debriefing session under Section 2(1)(d) of this administrative regulation, a debriefing session shall be held after the imposition of physical restraint or seclusion upon a student.
- (6) The following persons shall participate in the debriefing session:
- (a) The implementer of the physical restraint or seclusion;
 - (b) At least two (2) of any other school personnel who were in the proximity of the student immediately before or during the physical restraint or seclusion;
 - (c) The parent of an unemancipated student;
 - (d) The student, if the parent requests or if the student is an emancipated youth; and
 - (e) Appropriate supervisory and administrative school personnel, which may include appropriate Admissions and Release Committee members, Section 504 team members, or response to intervention team members.
- (7) The debriefing session shall occur as soon as practicable, but not later than five (5) school days following the request of the parent or the emancipated youth, unless delayed by written mutual agreement of the parent or emancipated youth and the school.
- (8) The debriefing session shall include:
- (a) Identification of the events leading up to the seclusion or physical restraint;
 - (b) Consideration of relevant information in the student's records and information from teachers, parents, other school district professionals, and the student;
 - (c) Planning for the prevention and reduction of the need for seclusion or physical restraint, with consideration of recommended appropriate positive behavioral supports and interventions to assist school personnel responsible for implementing the student's IEP, or Section 504 plan, or response to intervention plan, if applicable, and consideration of whether positive behavioral supports and interventions were implemented with fidelity; and
 - (d) For any student not identified as eligible for services under either Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act, consideration of a referral under

either law and documentation of the referral or documentation of the basis for declining to refer the student.

(9) All documentation utilized in the debriefing session shall become part of the student's education record.

Section 6.

(1)(a) All school personnel shall be trained in state administrative regulations and school district policies and procedures regarding physical restraint and seclusion.

(b) All school personnel shall be trained annually to use an array of positive behavioral supports and interventions to:

1. Increase appropriate student behaviors;
2. Decrease inappropriate or dangerous student behaviors; and
3. Respond to dangerous behavior.

(c) This training may be delivered utilizing web-based applications.

(d) This training shall include:

1. Appropriate procedures for preventing the need for physical restraint and seclusion, including positive behavioral supports and interventions;
2. State administrative regulations and school district policies and procedures regarding physical restraint and seclusion;
3. Proper use of positive reinforcement;
4. The continuum of use for alternative behavioral interventions;
5. Crisis prevention;
6. De-escalation strategies for responding to inappropriate or dangerous behavior, including verbal de-escalation, and relationship building; and
7. Proper use of seclusion as established in Section 4 of this administrative regulation, including instruction on monitoring physical signs of distress and obtaining medical assistance if necessary.

(2) All school personnel shall receive annual written or electronic communication from the district identifying core team members in the school setting who have been trained to implement physical restraint.

(3) A core team of selected school personnel shall be designated to respond to dangerous behavior and to implement physical restraint of students. The core team, except school resource officers and other sworn law enforcement officers, shall receive additional yearly training in the following areas:

- (a) Appropriate procedures for preventing the use of physical restraint except as permitted by this administrative regulation;
- (b) A description and identification of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations, in order to determine whether the use of physical restraint is safe and warranted;
- (c) Simulated experience of administering and receiving physical restraint, and instruction regarding the effect on the person physically restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- (d) Instruction regarding documentation and notification requirements and investigation of injuries; and
- (e) Demonstration by core team members of proficiency in the prevention and use of physical restraint.

Section 7. The following data shall be reported by the district in the student information system related to incidents of physical restraint and seclusion:

- (1) Aggregate number of uses of physical restraint;
- (2) Aggregate number of students placed in physical restraint;
- (3) Aggregate number of uses of seclusion;
- (4) Aggregate number of students placed in seclusion;
- (5) Aggregate number of instances of substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty to students related to physical restraint and seclusion;
- (6) Aggregate number of instances of substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty to school personnel related to physical restraint and seclusion; and
- (7) Aggregate number of instances in which a school resource officer or other sworn law enforcement officer is involved in the physical restraint or seclusion of a student.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option.

- (1) All students admitted to the common schools shall comply with the lawful regulations for the government of the schools:
- (a) Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property, as well as off school property at school-sponsored activities, constitutes cause for suspension or expulsion from school; and
 - (b) Assault or battery or abuse of school personnel; stealing or willfully or wantonly defacing, destroying, or damaging the personal property of school personnel on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school.
- (2)(a) Each local board of education shall adopt a policy requiring the expulsion from school for a period of at least 12 months for a student who:
- 1. Is determined by the board through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff of the district; or
 - 2. Is determined by the board to have brought a weapon to a school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of "unlawful possession of a weapon on school property" stated in KRS 527.070.
- (b) The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have:
- 1. Possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction; or
 - 2. Physically assaulted or battered or abused educational personnel or other students at a school or school function under the board's jurisdiction; or
 - 3. Physically assaulted, battered, or abused educational personnel or other students off school property and the incident is likely to substantially disrupt the educational process.
- (3)a) The board may modify the expulsion requirement and length for students on a case-by-case basis, except the length of expulsion shall at least be twelve(12) months for a violation set forth in subsection (2)(a) of this section.
- (b) Nothing in this section shall prohibit a board from expelling a student for longer than twelve(12) months.
- (c) A board that has expelled a student from the student's regular school setting shall provide or ensure that educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed into a state-funded agency program. Behavior which constitutes a threat shall include but not be limited to the physical assault, battery, or abuse of others; the threat of physical force; being under the

influence of drugs or alcohol; the use, possession, sale, or transfer of drugs or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior which may endanger the safety of others. Other intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost.

(11) Nothing in this section shall be interpreted or construed to preclude the requirements contained in KRS 158.305 or 158.4416

REGULATIONS

No relevant regulations found.

Limitations or Conditions on Exclusionary Discipline

LAWS

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option..

(2)(b) The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have:

(1) Possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction:

(2) Physically assaulted or battered or abused educational personnel or other students at a school or school function under the board's jurisdiction; or

(3) Physically assaulted, battered, or abused educational personnel or other students off school property and the incident is likely to substantially disrupt the educational process.

(3) (a) The board may modify the expulsion requirement and length for students on a case-by-case basis, Except the length of expulsion shall be at least twelve (12) months for a violation set forth in subsection (2)(a) of this section.

(b) Nothing in this section shall prohibit a board from expelling a student for longer than twelve (12) months

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

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

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

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

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

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

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

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

KRS 158.153. Punishment based on child's records - Disclosure of records - Cause of action - Districtwide standards of behavior for students participating in extracurricular activities.

(1) Unless the action is taken pursuant to KRS 158.150, no school, school administrator, teacher, or other school employee shall expel or punish a child based on information contained in a record of an adjudication of delinquency or conviction of an offense received by the school pursuant to KRS 610.345 or from any other source. Nothing in this subsection shall be construed to prohibit a local school board or school official from instituting disciplinary proceedings against any student for violating the discipline policy of the school or school district or taking actions necessary to protect staff and students. Actions to protect staff and students may be taken only after the principal makes a determination that the conduct of the student reflected in the records of the school or obtained by the school from the court indicates a substantial likelihood of an immediate and continuing threat that the student will cause harm to students or staff, and that the restrictions to be ordered represent the least restrictive alternative available and appropriate to remedy the threat, and that the determination and supporting material be documented in the child's record. The action of the principal, in addition to or in lieu of any other procedure available, may be appealed by the child or the child's parent or guardian to the superintendent of the school system or to the Circuit Court in the county in which the school is located, and the appealing party may be represented by counsel.

(2) No school, school administrator, teacher, or other school employee who has custody of records received or maintained by the school pursuant to KRS 610.345 or who has received information contained in or relating to a record received by the school pursuant to KRS 610.345 shall disclose the fact of the record's existence, or any information contained in the record or received from the record to any other person, including but not limited to other teachers, school employees, pupils, or parents other than the pupil, or parents of the pupil who is the subject of the record.

(3) The child and his parent or guardian shall have a civil cause of action against the school board and against any school administrator violating subsection (1) or (2) of this section or divulging information in violation of KRS 610.345 or 610.340. This civil cause of action shall be in addition to any other criminal or administrative remedy provided by law.

(4) Nothing in this section shall be construed to prohibit a local board of education from establishing districtwide standards of behavior for students who participate in extracurricular and cocurricular activities, including athletics. A school principal may deny or terminate a student's eligibility to participate in extracurricular or cocurricular activities if the student has violated the local district behavior standards or the council's criteria for participation, as described in KRS 160.345(2)(i)8. A student's right to

participate in extracurricular or cocurricular activities, including athletics, may be suspended, pending investigation of an allegation that the standards of behavior have been violated.

REGULATIONS

No relevant regulations found.

Due Process

LAWS

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option..

(3)(d) 1. In lieu of expelling a student, or upon the expiration of a student's expulsion, a superintendent may place a student into an alternative program or setting if the superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the education process or constitutes a threat to the safety of other students or school staff. The action shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity to have a hearing before the board or an appeals committee as described in subparagraph 2. of this paragraph.

2. The board may adopt a policy to establish an appeals committee and delegate the authority to hear appeals made under this paragraph to that committee.

(5)(b)

5. When a student is removed from a classroom under this paragraph temporarily or permanently, the principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to:

- a. Another classroom in that school;
- b. An alternative program or setting, which may be provided virtually, as approved by the superintendent

6. Any permanent action by a principal under this paragraph shall be subject to an appeal process in accordance with a policy adopted by the board.

(6). A student shall not be suspended from the common schools until after at least the following due process procedures have been provided:

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

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

(7)(b) 1. The board of education of any school district may expel or extend the expulsion of any student for misconduct as described in subsection (1) of this section, but the action shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity to have a hearing before the board. The decision of the board shall be final.

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

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

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

REGULATIONS

No relevant regulations found.

Return to School Following Removal

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternative Placements

LAWS

KRS 158.146. Establishment of strategy to address school dropout problem - Department to provide technical assistance, award grants, and disseminate information to school districts and school level personnel.

(1) No later than December 30, 2000, the Kentucky Department of Education shall establish and implement a comprehensive statewide strategy to provide assistance to local districts and schools to address the student dropout problem in Kentucky public schools. In the development of the statewide strategy, the department shall engage private and public representatives who have an interest in the discussion. The statewide strategy shall build upon the existing programs and initiatives that have proven successful. The department shall also take into consideration the following:

(b) State and federal resources and programs, including, but not limited to, extended school services; early learning centers; family resource and youth service centers; alternative education services; preschool; service learning; drug and alcohol prevention programs; School-to-Careers; High Schools that Work; school safety grants; and other relevant programs and services that could be used in a multidimensional strategy.

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option..

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

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

parent, guardian, or other person having legal custody or control of the student has had an opportunity to have a hearing before the board or an appeals committee as described in subparagraph 2. Of this paragraph.

2. The board may adopt a policy to establish an appeals committee and delegate the authority to hear appeals made under this paragraph to that committee.

3. The alternative program or setting may be provided virtually.

4. Notwithstanding any other statute or administrative regulation to the contrary, students placed in an alternative program or setting under this paragraph shall be counted in attendance and membership for state funding purposes in the same manner as other students participating in alternative programs of the district.

5. Students placed in an alternative program or setting under this paragraph shall be subject to compulsory attendance requirements under KRS chapter 159 and applicable local board policy.

6. Following the initial alternative placement of a student under this paragraph, the board shall review the alternative program or setting placement at least once per year and determine if the placement should be continued in accordance with subparagraph 1. Of this paragraph.

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

(5)(b)

5. When a student is removed from a classroom under this paragraph temporarily or permanently, the principal shall determine the placement of the student in lieu of that classroom, which may include but is not limited to:

a. Another classroom in that school;

b. An alternative program or setting, which may be provided virtually, as approved by the superintendent

KRS 158.441. Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

(1) "Intervention services" means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs.

KRS 158.445. Local assessment of school safety and school discipline - District assessment - Local plans.

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

(4) The district plan under subsection (3) of this section shall be the basis for any request for funds under the state school safety grant program for 1999-2000 and subsequent years. The district plan shall include the local code of acceptable behavior and discipline as required under KRS 158.148 and a description of instructional placement options for threatening or violent students.

KRS 158.446. Use of appropriated funds.

Of the funds appropriated to support the school safety fund program in the biennial budget, twenty percent (20%) of the funds in 1998-99, and ten percent (10%) in 1999-2000, shall be used for the operation of the Center for School Safety and grants to be distributed by the Center to support exemplary programs in local school districts. The remainder of the appropriation shall be distributed to local school districts on a per pupil basis. The funds shall be used for the purpose of improving school safety and student discipline through alternative education programs and intervention services in compliance with KRS 158.148, 158.150, and 158.445. School districts shall be responsible for documenting the purposes for which these funds were expended.

REGULATIONS

704 KAR 7:070. Guidelines for dropout prevention programs.

Section 1.

(3) A school district applying for funds shall describe the special service(s) to be provided to eligible students, including the services listed below:

(a) Alternative curriculum which shall provide academic alternatives for students. Alternative educational programs, classes or schools shall provide the students with a positive learning environment to develop and build student academic-behavioral successes.

704 KAR 19:002. Alternative education programs.

Section 2. General Requirements.

(1)(a) A district shall ensure that each alternative education program:

1. Aligns with college and career readiness outcomes;
2. Is not limited in scope or design; and
3. Includes training to build capacity of staff and administrators to deliver high-quality services and programming that conform with best practices and guide all students to college and career readiness.

(b) A student enrolled in an alternative education program may be eligible to participate in one (1) or more types of programs to address student learning needs that may include an alternative digital learning environment, credit recovery, or an innovative path to graduation.

(2) Each local board of education shall adopt and annually review policies and procedures for the operation of each alternative education program within the district. Locally-adopted policies and procedures shall include the:

- (a) Purpose of the program, including the ways the program supports the district's college and career readiness goals for students;
- (b) Eligibility criteria, as appropriate;
- (c) Process for entering students into the program;
- (d) Process for transitioning students out of the program;
- (e) Composition of the team to develop the ILPA, which shall include an invitation to the parents to participate and, as appropriate, an invitation to the student to participate; and
- (f) Procedures for collaboration with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs.

(3) An alternative education program shall be either an on-site program or an off-site program.

- (4) Alternative education program curriculum shall be aligned with the Kentucky Core Academic Standards established in 704 KAR 3:303, and the student learning goals in the ILP.
- (5) Each alternative education program student shall be subject to the minimum graduation requirements established in 704 KAR 3:305 and any additional local district graduation requirements.
- (6) An alternative education program shall be subject to any applicable requirements of 703 KAR 5:225 and Kentucky's Elementary and Secondary Education Act Flexibility Waiver, or its successor.
- (7) Each student participating in an alternative education program shall be eligible to access extracurricular activities as allowed by local district and school council policies and by 702 KAR 7:065 or other applicable organization rules.
- (8) Each student participating in an alternative education program shall continue to be able to access resources and services already available in the district, including instructional materials, tutoring, intervention, and counseling services, in furtherance of each student's educational program as determined through the development of the ILPA.

Section 3. Placement of Students.

- (1)(a) The placement of students by the district in an alternative education program shall be either voluntary or involuntary.
 - (b) A student entering an alternative education program shall meet the eligibility requirements for the program established by the local board pursuant to Section 2 of this administrative regulation.
 - (c) The district shall ensure that an ILP, as required by 704 KAR 3:305, exists prior to placement of a student in an alternative education program.
- (2)(a) The placement decision for all students with an IEP shall be made through the admissions and release committee (ARC) process pursuant to 707 KAR 1:320.
 - (b) For a child with a disability, the IEP shall address the changed educational delivery needs of the student based upon entry into or exit from an alternative education program.
 - (c) The placement decisions for a student who has been identified under 29 U.S.C. § 794., Section 504 of the Rehabilitation Act of 1973, as amended, shall be made through a team process consistent with the applicable requirements outlined in 34 C.F.R. Part 104.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option..

(1) All students admitted to the common schools shall comply with the lawful regulations for the government of the schools:

(a) Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property, as well as off school property at school-sponsored activities, constitutes cause for suspension or expulsion from school; and

(b) Assault or battery or abuse of school personnel; stealing or willfully or wantonly defacing, destroying, or damaging the personal property of school personnel on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school.

(2)(a) Each local board of education shall adopt a policy requiring the expulsion from school for a period of at least twelve(12) for a student who:

1. Is determined by the board through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff of the district; or

2. Is determined by the board to have brought a weapon to a school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of "unlawful possession of a weapon on school property" stated in KRS 527.070.

(b) The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have:

1. Possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction;

2. Physically assaulted or battered or abused educational personnel or other students at a school or school function under the board's jurisdiction; or

3. Physically assaulted, battered, or abused educational personnel or other students off school property and the incident is likely to substantially disrupt the educational process.

(3) (a) The board may modify the expulsion requirement and length for students on a case-by-case basis , except the length of expulsion shall be at least twelve (12) months for a violation set forth in subsection (2)(a) of this section.

(b) Nothing in this section shall prohibit a board from expelling a student for longer than twelve (12) months .

(c) A board that has expelled a student from the student's regular school setting shall provide or ensure that educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed into a state-funded agency program. Behavior which constitutes a threat shall include but not be limited to the physical assault, battery, or abuse of others; the threat of physical force; being under the influence of drugs or alcohol; the use, possession, sale, or transfer of drugs or alcohol; the carrying, possessing, or transfer of weapons or dangerous instruments; and any other behavior which may endanger the safety of others. Other

intervention services as indicated for each student may be provided by the board or by agreement with the appropriate state or community agency. A state agency that provides the service shall be responsible for the cost.

(d) 1. In lieu of expelling a student, or upon the expiration of a student's expulsion, a superintendent may place a student into an alternative program or setting if the superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the education process or constitutes a threat to the safety of other students or school staff. The action shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity to have a hearing before the board or an appeals committee as described in subparagraph 2. Of this paragraph.

2. The board may adopt a policy to establish an appeals committee and delegate the authority to hear appeals made under this paragraph to that committee.

3. The alternative program or setting may be provided virtually.

4. Notwithstanding any other statute or administrative regulation to the contrary, students placed in an alternative program or setting under this paragraph shall be counted in attendance and membership for state funding purposes in the same manner as other students participating in alternative programs of the district.

5. Students placed in an alternative program or setting under this paragraph shall be subject to compulsory attendance requirements under KRS Chapter 159 and applicable local board policy.

6. Following the initial alternative placement of a student under this paragraph, the board shall review the alternative program or setting placement at least once per year and determine if the placement should be continued in accordance with subparagraph 1. Of this paragraph.

KRS 158.154. Principal's duty to report certain acts to local law enforcement agency.

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. Reporting of specified incidents of student conduct - Notation on school records - Report to law enforcement of certain student conduct - Immunity.

(4) A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

(a) The person knows or has reasonable cause to believe that conduct has occurred which constitutes:

1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:

- a. Carrying, possession, or use of a deadly weapon; or
- b. Use, possession, or sale of controlled substances; or

2. Any felony offense under the laws of this Commonwealth; and

(b) 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.

KRS 158.441. Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

(6) "School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters.

REGULATIONS

No relevant regulations found.

Students with Chronic Disciplinary Issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

KRS 159.140. Duties of director of pupil personnel or assistant.

(1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:

(c) Acquaint the school with the home conditions of a habitual truant as described in KRS 159.150(3), and the home with the work and advantages of the school;

(d) Ascertain the causes of irregular attendance and truancy, through documented contact with the custodian of the student, and seek the elimination of these causes.

KRS 159.150. Definitions of truant and habitual truant - Attendance record requirements - Adoption of truancy policies by local school boards - Implementation of early intervention and prevention programs.

(1) Any student who has attained the age of six (6) years, but has not reached his or her eighteenth birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.

- (2) Any student enrolled in a public school who has attained the age of eighteen (18) years, but has not reached his or her twenty-first birthday, who has been absent from school without valid excuse for three (3) or more days, or tardy without valid excuse on three (3) or more days, is a truant.
- (3) Any student who has been reported as a truant two (2) or more times is an habitual truant.
- (4) For the purposes of establishing a student's status as a truant, the student's attendance record is cumulative for an entire school year. If a student transfers from one (1) Kentucky public school to another during a school year, the receiving school shall incorporate the attendance information provided under KRS 159.170 in the student's official attendance record.
- (5) A local board of education may adopt reasonable policies that:
- (a) Require students to comply with compulsory attendance laws;
 - (b) Require truants and habitual truants to make up unexcused absences;
 - (c) Impose sanctions for noncompliance; and
 - (d) Collaborate and cooperate with the Court of Justice, the Department for Community Based Services, the Department of Juvenile Justice, regional community mental health centers, and other service providers to implement and utilize early intervention and prevention programs, such as truancy diversion, truancy boards, mediation, and alternative dispute resolution to reduce referrals to a court-designated worker.

REGULATIONS

No relevant regulations found.

Substance Use

LAWS

KRS 156.496. Family resource and youth service centers - Design - Core components - Location - Grant program - Prohibition on abortion counseling and referrals - Monetary donations.

(3) Youth services centers shall be located in or near each school in the Commonwealth, except elementary schools, in which twenty percent (20%) or more of the student body are eligible for free or reduced-price school meals. Youth services centers shall promote identification and coordination of existing resources and shall include but not be limited to the following core components for each site:

- (d) Substance abuse education and counseling.

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option.

(1) All students admitted to the common schools shall comply with the lawful regulations for the government of the schools:

(a) Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property of students, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property, as well as off school property at school-sponsored activities, constitutes cause for suspension or expulsion from school; and

(b) Assault or battery or abuse of school personnel; stealing or willfully or wantonly defacing, destroying, or damaging the personal property of school personnel on school property, off school property, or at school-sponsored activities constitutes cause for suspension or expulsion from school.

2)(a) Each local board of education shall adopt a policy requiring the expulsion from school for a period of at least twelve(12) for a student who:

1. Is determined by the board through clear and convincing evidence to have made threats that pose a danger to the well-being of students, faculty, or staff of the district; or
2. Is determined by the board to have brought a weapon to a school under its jurisdiction. In determining whether a student has brought a weapon to school, a local board of education shall use the definition of "unlawful possession of a weapon on school property" stated in KRS 527.070.

(b) The board shall also adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who is determined by the board to have:

1. Possessed prescription drugs or controlled substances for the purpose 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 students at a school or school function under the board's jurisdiction. ; or
3. Physically assaulted, battered, or abused educational personnel or other students off school property and the incident is likely to substantially disrupt the educational process.

(3)(A) The board may modify the expulsion requirement and length for students on a case-by-case basis , except the length of expulsion shall be at least twelve (12) months for a violation set forth in subsection (2)(a) of this section.

(B). Nothing in this section shall prohibit a board from expelling a student for longer than twelve (12) months .

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

(d) 1. In lieu of expelling a student, or upon the expiration of a student's expulsion, a superintendent may place a student into an alternative program or setting if the superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the education process or constitutes a threat to the safety of other students or school staff. The action shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity to have a hearing before the board or an appeals committee as described in subparagraph 2. Of this paragraph.

2. The board may adopt a policy to establish an appeals committee and delegate the authority to hear appeals made under this paragraph to that committee.

3. The alternative program or setting may be provided virtually.

4. Notwithstanding any other statute or administrative regulation to the contrary, students placed in an alternative program or setting under this paragraph shall be counted in attendance and membership for state funding purposes in the same manner as other students participating in alternative programs of the district.

5. Students placed in an alternative program or setting under this paragraph shall be subject to compulsory attendance requirements under KRS Chapter 159 and applicable local board policy.

6. Following the initial alternative placement of a student under this paragraph, the board shall review the alternative program or setting placement at least once per year and determine if the placement should be continued in accordance with subparagraph 1. Of this paragraph.

KRS 158.154. Principal's duty to report certain acts to local law enforcement agency.

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. Reporting of specified incidents of student conduct - Notation on school records - Report to law enforcement of certain student conduct - Immunity.

(4) A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

- (a) The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - 1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - a. Carrying, possession, or use of a deadly weapon; or
 - b. Use, possession, or sale of controlled substances; or
 - 2. Any felony offense under the laws of this Commonwealth; and
- (b) 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.

KRS 158.441. Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (6) "School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters.

KRS 438.345. Use of tobacco products, alternative nicotine products, and vapor products on school property and during school activities - Written policies - Penalties - Board may opt out.

(2) The use of any tobacco product, alternative nicotine product, or vapor product:

- (a) Shall be prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education;
- (b) Shall be prohibited for all students while attending or participating in any school-related student trip or student activity; and
- (c) Is prohibited for school district employees, volunteers, and all other individuals affiliated with a school while the user is attending or participating in any school-related student trip or student activity and is in the presence of a student or students.

(3) On or before July 1, 2020, each local board of education shall implement this section by adopting written policies that prohibit the use of tobacco products, alternative nicotine products, and vapor products pursuant to this section. The policies shall provide for:

- (a) Adequate notice regarding the policy to be provided to students, parents and guardians, school employees, and the general public;

(b) A requirement to post signage on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education, clearly stating that use of tobacco products, alternative nicotine products, and vapor products is prohibited at all times and by all persons on or in the property; and

(c) A requirement that school employees enforce the policies.

REGULATIONS

No relevant regulations found.

Gang-related Activity

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

KRS 2.227. Anti-Bullying Month.

(1) The General Assembly recognizes its responsibility to secure the environment for all Kentucky students. Thus, October of each year shall be designated as Anti-Bullying Month in the Commonwealth.

(2) As a symbol of awareness of the serious issues and negative effects of bullying, the official ribbon for the Anti-Bullying Month in the Commonwealth shall be purple and yellow. The color purple is a reminder of domestic violence and the color yellow is in memory of those who have taken their lives as a result of bullying.

KRS 158.148. Definition of "bullying"- Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(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.

[...] (5)(c) The code shall prohibit bullying.

(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.

KRS 158.156. Reporting of commission of felony KRS Chapter 508 offense against a student - Investigation - Immunity from liability for reporting - Privileges no bar to reporting.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

KRS 158.183. Prohibited acts by students - Rights of student - Duties of local board of education - Administrative remedies.

(1) Consistent with the Constitutions of the United States of America and the Commonwealth of Kentucky, a student shall have the right to carry out an activity described in any of paragraphs (a) to (j) of subsection

(2) of this section, if the student does not:

(a) Infringe on the rights of the school to:

1. Maintain order and discipline;
2. Prevent disruption of the educational process; and
3. Determine educational curriculum and assignments;

(b) Harass other persons or coerce other persons to participate in the activity; or

(c) Otherwise infringe on the rights of other persons.

KRS 158.441. Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

(6) "School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters.

KRS 525.070. Harassment.

(1) A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she:

(a) Strikes, shoves, kicks, or otherwise subjects him to physical contact;

(b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact;

(c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present;

(d) Follows a person in or about a public place or places;

(e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or

(f) Being enrolled as a student in a local school district, and while on school premises, on school- sponsored transportation, or at a school-sponsored event:

1. Damages or commits a theft of the property of another student;
2. Substantially disrupts the operation of the school; or

3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

(2)(a) Except as provided in paragraph (b) of this subsection, harassment is a violation.

(b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor.

KRS 525.080. Harassing communications.

(1) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she:

(a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of electronic or written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;

(b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or

(c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.

(2) Harassing communications is a Class B misdemeanor.

REGULATIONS

No relevant regulations found.

Dating and Relationship Violence

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

KRS 156.095. Professional development programs - Professional development coordinator - Longterm improvement plans - Suicide prevention awareness information - Suicide prevention training - Active shooter training, also applicable to charter schools - Evidence-informed trainings on child abuse and neglect - Electronic consumer bulletin board - Training to address needs of students at risk - Teacher academics - Annual report to Juvenile Justice Oversight Council .

(3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:

(l) Strategies to incorporate character education throughout the curriculum.

(4) The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.

KRS 158.146. Establishment of strategy to address school dropout problem - Department to provide technical assistance, award grants, and disseminate information to school districts and school level personnel.

(1) No later than December 30, 2000, the Kentucky Department of Education shall establish and implement a comprehensive statewide strategy to provide assistance to local districts and schools to address the student dropout problem in Kentucky public schools. In the development of the statewide strategy, the department shall engage private and public representatives who have an interest in the discussion. The statewide strategy shall build upon the existing programs and initiatives that have proven successful. The department shall also take into consideration the following:

(b) State and federal resources and programs, including, but not limited to, extended school services; early learning centers; family resource and youth service centers; alternative education services; preschool; service learning; drug and alcohol prevention programs; School-to-Careers; High Schools that Work; school safety grants; and other relevant programs and services that could be used in a multidimensional strategy.

KRS 158.148. Definition of "bullying"- Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(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.

KRS 158.305. Response-to-intervention system to identify and assist students having difficulty in reading, writing, mathematics, or behavior and to determine needs of advanced learners - Web-based resource for teachers - District-wide use - Department to provide technical assistance and training - Annual report.

(3) The Department of Education shall provide technical assistance and training, if requested by a local district, to assist in the implementation of the district-wide, response-to-intervention system as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior and to determine appropriate instructional modifications needed by advanced learners to make continuous progress. [...]

(5) The department shall develop and maintain a Web-based resource providing teachers access to:

- (a) Information on the use of specific screening processes and programs to identify student strengths and needs, including those for advanced learners;
- (b) Current, evidence-based research and age-appropriate instructional tools that may be used for substantial, steady improvement in:
 - 1. Reading when a student is experiencing difficulty with phonemic awareness, phonics, vocabulary, fluency, general reading comprehension, or reading in specific content areas, or is exhibiting characteristics of dyslexia, aphasia, or other reading difficulties;
 - 2. Writing when a student is experiencing difficulty with consistently producing letters or numbers with accuracy or is exhibiting characteristics of dysgraphia;
 - 3. Mathematics when a student is experiencing difficulty with basic math facts, calculations, or application through problem solving, or is exhibiting characteristics of dyscalculia or other mathematical difficulties; or
 - 4. Behavior when a student is exhibiting behaviors that interfere with his or her learning or the learning of other students; and

(c) Current, evidence-based research and age-appropriate instructional tools that may be used for continuous progress of advanced learners.

(6) The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide system of interventions.

(7) The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.

(8) The department shall collaborate with the Kentucky Collaborative Center for Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center for Instructional Discipline, the Education Professional Standards Board, the Council on Postsecondary Education, postsecondary teacher education programs, and other agencies and organizations as deemed appropriate to ensure that teachers are prepared to utilize evidence-based interventions in reading, writing, mathematics, and behavior.

KRS 158.442. Center for School Safety - Duties - School safety coordinator training program- Members of board - Center for School safety and its board of directors not subject to reorganization by the Governor.

(1) The General Assembly hereby authorizes the establishment of the Center for School Safety. The center's mission shall be to serve as the central point for data analysis; research; dissemination of information about successful school safety and school security programs, best practices, training standards, research results, and new programs; and, in collaboration with the Department of Education and others, to provide technical assistance for safe schools.

(2) To fulfill its mission, the Center for School Safety shall:

(a) Establish a clearinghouse for information and materials concerning school violence prevention.

KRS 158.443. Terms of board members - Meetings - Selection of administrator for the center - Duties of board of directors.

(10) The board shall develop model interagency agreements between local school districts and other local public agencies, including, among others, health departments, departments of social services, mental health agencies, and courts, in order to provide cooperative services and sharing of costs for services to students who are at risk of school failure, are at risk of participation in juvenile crime, or have been expelled from the school district.

KRS 158.4416. Trauma-informed approach to education - Definitions - Goals for employment of school - based counselors - School counselor or school-based mental health services provider to facilitate creation of trauma-informed team - Training and guidance of school personnel to assist in recognizing and dealing with issues of student trauma - Collaboration for provision of services between two or more school districts or between school districts and educational cooperatives, or other public or private entities - Annual report to department number and placement of school counselors in each district, source of funding, summary of job duties, and percentage of time devoted to each duty - Department of Education to make available toolkits to develop trauma-informed approach in schools - Plan and strategies for implementing trauma-informed approach .

(4) On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.

KRS 158.6451. Legislative declaration on goals for Commonwealth's schools - Model curriculum framework.

(2) The Kentucky Board of Education shall disseminate to local school districts and schools a model curriculum framework which is directly tied to the goals, outcomes, and assessment strategies developed pursuant to this section and KRS 158.645 and 158.6453. The framework shall provide direction to local districts and schools as they develop their curriculum. The framework shall identify teaching and assessment strategies, instructional material resources, ideas on how to incorporate the resources of the community, a directory of model teaching sites, alternative ways of using school time, and strategies to incorporate character education throughout the curriculum.

REGULATIONS

No relevant regulations found.

Multi-tiered Frameworks and Systems of Support

LAWS

KRS 158.305. Response-to-intervention system to identify and assist students having difficulty in reading, writing, mathematics, or behavior and to determine needs of advanced learners - Web-based resource for teachers - District-wide use - Department to provide technical assistance and training - Annual report.

(2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations for district-wide use of a response-to-intervention system for students in kindergarten through grade three (3), that includes a tiered continuum of interventions with varying levels of intensity and duration and which connects general, compensatory, and special education programs to provide interventions implemented with fidelity to evidence-based research and matched to individual student strengths and needs. At a minimum, evidence of implementation shall be submitted by the district to the department for:

- (a) Reading and writing by August 1, 2013;
- (b) Mathematics by August 1, 2014; and
- (c) Behavior by August 1, 2015.

(3) The Department of Education shall provide technical assistance and training, if requested by a local district, to assist in the implementation of the district-wide, response-to-intervention system as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior and to determine appropriate instructional modifications needed by advanced learners to make continuous progress.

REGULATIONS

704 KAR 3:095. The use of response-to-intervention in kindergarten through grade 3.

Section 1. Definitions.

- (7) "Response-to-intervention" means a multi-level prevention system to maximize student achievement and social and behavioral competencies through an integration of assessment and intervention.

Section 2. Each local district shall implement a comprehensive response-to-intervention system for Kindergarten through Grade 3 that includes:

- (1) Multi-tiered systems of support, including differentiated core academic and behavioral instruction and targeted, intensive academic and behavioral intervention, delivered by individuals most qualified to provide the intervention services, that maximize student achievement and reduce behavioral problems;
- (2) Universal screening and diagnostic assessments to determine individual student needs and baseline performance;
- (3) Interventions that:
 - (a) Are evidence-based;
 - (b) Vary in intensity and duration based on student need;
 - (c) Meet the needs of the individual student;
 - (d) Are implemented with fidelity;
 - (e) Are delivered by individuals most qualified to provide the intervention services; and
 - (f) Are monitored through a comparison of baseline data collected prior to intervention and ongoing progress data;
- (4) Support for early intervention to address academic and behavioral issues; and
- (5) Data-based documentation of:

- (a) Assessments or measures of behavior;
- (b) Progress during instruction;
- (c) Evaluation, at regular intervals, for continuous progress; and
- (d) Individual student reports shared with the parents of each student in Kindergarten through Grade 3 that summarize the student's skills in mathematics, reading, and writing; the student's behavior; and any intervention plans and services being delivered.

Section 3. The response-to-intervention system for Kindergarten through Grade 3 shall coordinate with district-wide interventions required by KRS 158.792, 158.6453(11)(b), 158.6459(1), (2), (3), 704 KAR

3:305, Section 1(1)(b), (3)(d), 704 KAR 3:530, Section 2(1)(b), 704 KAR 3:285, Section 3(4), 707 KAR 1:300, Section 1, 707 KAR 1:310, Section 1(3)(a), and 707 KAR 1:320.

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 1. Definitions.

(11) "Positive behavioral supports" means a school-wide systematic approach to embed evidence- based practices and data-driven decision-making to:

- (a) Improve school climate and culture in order to achieve improved academic and social outcomes;
- (b) Increase learning for all students, including those with the most complex and intensive behavior needs;
- (c) Encompass a range of systemic and individualized positive strategies to reinforce desired behaviors;
- (d) Diminish reoccurrence of inappropriate or dangerous behaviors; and
- (e) Teach appropriate behaviors to students.

[...] Section 5.

(8) The debriefing session shall include:

- (c) Planning for the prevention and reduction of the need for seclusion or physical restraint, with consideration of recommended appropriate positive behavioral supports and interventions to assist school personnel responsible for implementing the student's IEP, or Section 504 plan, or response to intervention plan, if applicable, and consideration of whether positive behavioral supports and interventions were implemented with fidelity.

Section 6.

(1)(b) All school personnel shall be trained annually to use an array of positive behavioral supports and interventions to:

- 1. Increase appropriate student behaviors;
- 2. Decrease inappropriate or dangerous student behaviors; and
- 3. Respond to dangerous behavior.

Prevention

LAWS

KRS 158.442. Center for School Safety - Duties - School safety coordinator training program- Members of board - Center for School safety and its board of directors not subject to reorganization by the Governor.

(2) To fulfill its mission, the Center for School Safety shall:

- (a) Establish a clearinghouse for information and materials concerning school violence prevention.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

KRS 156.095. Professional development programs - Professional development coordinator - Longterm improvement plans - Suicide prevention awareness information - Suicide prevention training - Active shooter training, also applicable to charter schools - Evidence-informed trainings on child abuse and neglect - Electronic consumer bulletin board - Training to address needs of students at risk - Teacher academics - Annual report to Juvenile Justice Oversight Council .

(3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:

(l) Strategies to incorporate character education throughout the curriculum.

KRS 158.060. School month and school day - Duty-free lunch period - Nonteaching time for teachers.

(5) Character education programs and activities shall be considered valuable and legitimate components of the actual school work constituting a school day under subsection (3) of this section.

KRS 158.6451. Legislative declaration on goals for Commonwealth's schools - Model curriculum framework.

(1) The General Assembly finds, declares, and establishes that:

(b) Schools shall develop their students' ability to:

3. Become self-sufficient individuals of good character exhibiting the qualities of altruism, citizenship, courtesy, hard work, honesty, human worth, justice, knowledge, patriotism, respect, responsibility, and self-discipline. [...]

(2) The Kentucky Board of Education shall disseminate to local school districts and schools a model curriculum framework which is directly tied to the goals, outcomes, and assessment strategies developed pursuant to this section and KRS 158.645 and 158.6453. The framework shall provide direction to local districts and schools as they develop their curriculum. The framework shall identify teaching and assessment strategies, instructional material resources, ideas on how to incorporate the resources of the community, a directory of model teaching sites, alternative ways of using school time, and strategies to incorporate character education throughout the curriculum.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

KRS 158.4414. Cooperation of school personnel with local and state law enforcement agencies in efforts to assign certified school resource officers to each campus as funds and personnel become available - Memorandum of understanding between local boards of education and law enforcement agencies or the Kentucky State Police - Policies and procedures stating the purpose of the school resource officer program and defining roles and expectations - School resource officer to be armed with firearm - Promulgation of administrative regulations establishing levels of training for certification of school resource officers - Course curriculum, specifications for training requirements, and consequences for deficiencies in required training - Officers to regain certification status upon completion of training deficiency - Local school district superintendents to report annually to the Center for School Safety upon the number and placement of school resource officers in the district, source of funding, and methods of employment for each position.

(7) Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:

(h) Trauma-informed action.

KRS 158.4416. Trauma-informed approach to education - Definitions - Goals for employment of school - based counselors - School counselor or school-based mental health services provider to facilitate creation of trauma-informed team - Training and guidance of school personnel to assist in recognizing and dealing with issues of student trauma - Collaboration for provision of services between two or more school districts or between school districts and educational cooperatives, or other public or private entities - Annual report to department number and placement of school counselors in each district, source of funding, summary of job duties, and percentage of time devoted to each duty - Department of Education to make available toolkits to develop trauma-informed approach in schools - Plan and strategies for implementing trauma-informed approach .

(1) For purposes of this section:

(a) "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;

(b) "School-based mental health services provider" means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011; and

(c) "Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.

(2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting.

(3)(a) Beginning July 1, 2021, or as funds and qualified personnel become available:

1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the goal of the school counselor spending sixty percent (60%) or more of his or her time providing counseling and related services directly to students; and

2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed

by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.

(b) A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel.

(c) Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:

1. Recognizing symptoms of trauma in students;
2. Utilizing interventions and strategies to support the learning needs of those students; and
3. Implementing a plan for a trauma-informed approach as described in subsection (5) of this section.

(d)1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.

2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities, including but not limited to local or regional mental health day treatment programs.

(e) No later than November 1, 2022, and each subsequent year, the local school district superintendent shall report to the department the number of school-based mental health service providers, the position held, placement in the district, certification or licensure held, the source of funding for each position, a summary of the job duties and work undertaken by each school-based mental health service provider, and the approximate percent of time devoted to each duty over the course of the year.

(f) The department shall annually compile and maintain a list of school-based mental health service providers by district which shall include the information required in subsection (3)(f) of this section.

(g) No later than June 1, 2023, and each subsequent year, the department shall provide the Interim Joint Committee on Education with the information reported by local school district superintendents and compiled in accordance with subsection (3)(f) of this section.

(4) On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.

(5) On or before July 1, 2021, each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:

- (a) Enhancing trauma awareness throughout the school community;
- (b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;
- (c) Developing trauma-informed discipline policies;
- (d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
- (e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

KRS 156.095. Professional development programs - Professional development coordinator - Longterm improvement plans - Suicide prevention awareness information - Suicide prevention training - Active shooter training, also applicable to charter schools - Evidence-informed trainings on child abuse and neglect - Electronic consumer bulletin board - Training to address needs of students at risk - Teacher academics - Annual report to Juvenile Justice Oversight Council.

(c) 1. Beginning with the 2018-2019 school year, and every year thereafter, a minimum of one (1) hour of high-quality suicide prevention training, including the recognition of signs and symptoms of possible mental illness, shall be required for all school district employees with job duties requiring direct contact with students in grades six (6) through twelve (12). The training shall be provided either in person, by live streaming, or via a video recording and may be included in the four (4) days of professional development under KRS 158.070.

2. When a staff member subject to the training under subparagraph 1. of this paragraph is initially hired during a school year in which the training is not required, the local district shall provide suicide prevention materials to the staff member for review.

KRS 158.4414. Cooperation of school personnel with local and state law enforcement agencies in efforts to assign certified school resource officers to each campus as funds and personnel become available - Memorandum of understanding between local boards of education and law enforcement agencies or the Kentucky State Police - Policies and procedures stating the purpose of the school resource officer program and defining roles and expectations - School resource officer to be armed with firearm - Promulgation of administrative regulations establishing levels of training for certification of school resource officers - Course curriculum, specifications for training requirements, and consequences for deficiencies in required training - Officers to regain certification status upon completion of training deficiency - Local school district superintendents to report annually to the Center for School Safety upon the number and placement of school resource officers in the district, source of funding, and methods of employment for each position.

(7) Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:

(f) Youth mental health awareness.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

KRS 158.443. Terms of board members - Meetings - Selection of administrator for the center - Duties of board of directors.

(10) The board shall develop model interagency agreements between local school districts and other local public agencies, including, among others, health departments, departments of social services, mental health agencies, and courts, in order to provide cooperative services and sharing of costs for services to students who are at risk of school failure, are at risk of participation in juvenile crime, or have been expelled from the school district.

KRS 158.4416. Trauma-informed approach to education - Definitions - Goals for employment of school - based counselors - School counselor or school-based mental health services provider to facilitate creation of trauma-informed team - Training and guidance of school personnel to assist in recognizing and dealing with issues of student trauma - Collaboration for provision of services between two or more school districts or between school districts and educational cooperatives, or other public or private entities - Annual report to department number and placement of school counselors in each district, source of funding, summary of job duties, and percentage of time devoted to each duty - Department of Education to make available toolkits to develop trauma-informed approach in schools - Plan and strategies for implementing trauma-informed approach.

(1) For purposes of this section:

(b) "School-based mental health services provider" means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011. [...]

(3)(a) Beginning July 1, 2021, or as funds and qualified personnel become available:

2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.

(b) A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel. [...]

(d) 1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.

2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities, including but not limited to local or regional mental health day treatment programs.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option.

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

KRS 158.155. Reporting of specified incidents of student conduct - Notation on school records - Report to law enforcement of certain student conduct - Immunity.

(5) A person who is an administrator, teacher, supervisor, or other employee of a public or private school who receives information from a student or other person of conduct which is required to be reported under subsection (1) of this section shall report the conduct in the same manner as required by that subsection.

KRS 158.156. Reporting of commission of felony KRS Chapter 508 offense against a student - Investigation - Immunity from liability for reporting - Privileges no bar to reporting.

(1) 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 cause an oral or written report to be made 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 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 a written report containing:

- (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision;
- (b) The student's age;
- (c) The nature and extent of the violation;
- (d) The name and address of the student allegedly responsible for the violation; and
- (e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.

(2) An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency.

KRS 161.195. Notice to teacher of student's history of physically abusive conduct or carrying a concealed weapon.

Before a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function is assigned to work directly with or comes in contact with a teacher, that teacher shall be notified in writing by the principal, guidance

counselor, or other school official who has knowledge of the student's behavior. The notice shall describe the nature of the student behavior

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 2.

(1) Each local school district shall establish policies and procedures that:

(d) Outline procedures to be followed during and after each use of physical restraint or seclusion, including notice to parents, documentation of the event in the student information system, and a process for the parent or emancipated youth to request a debriefing session [...]

Section 5.

(1) All physical restraints and seclusions shall be documented by a written record of each use of seclusion or physical restraint and be maintained in the student's education record. Each record of a use of physical restraint or seclusion shall be informed by an interview with the student and shall include:

(a) The student's name;

(b) A description of the use of physical restraint or seclusion and the student behavior that resulted in the physical restraint or seclusion;

(c) The date of the physical restraint or seclusion and school personnel involved;

(d) The beginning and ending times of the physical restraint or seclusion;

(e) A description of any events leading up to the use of physical restraint or seclusion including possible factors contributing to the dangerous behavior;

(f) A description of the student's behavior during physical restraint or seclusion;

(g) A description of techniques used in physically restraining or secluding the student and any other interactions between the student and school personnel during the use of physical restraint or seclusion;

(h) A description of any behavioral interventions used immediately prior to the implementation of physical restraint or seclusion;

(i) A description of any injuries to students, school personnel, or others;

(j) A description as to how the student's behavior posed an imminent danger of physical harm to self or others;

(k) The date the parent was notified;

(l) A description of the effectiveness of physical restraint or seclusion in de-escalating the situation;

(m) A description of the school personnel response to the dangerous behavior;

(n) A description of the planned positive behavioral interventions which shall be used to reduce the future need for physical restraint or seclusion of the student; and

(o) For any student not identified as eligible for services under either Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act, documentation of a referral under either law or documentation of the basis for declining to refer the student. [...]

(3) The principal of the school shall be notified of the seclusion or physical restraint as soon as possible, but no later than the end of the school day on which it occurred.

Parental Notification

LAWS

KRS 158.148. Definition of "bullying"- Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(5)(e) The code shall contain:

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.

KRS 158.150. Suspension or expulsion of students – Placement into alternative program option.

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

KRS 158.156. Reporting of commission of felony KRS Chapter 508 offense against a student - Investigation - Immunity from liability for reporting - Privileges no bar to reporting.

(1) 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 cause an oral or written report to be made 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 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 a written report containing:

- (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision;
- (b) The student's age;
- (c) The nature and extent of the violation;
- (d) The name and address of the student allegedly responsible for the violation; and
- (e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.

(2) An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 2.

- (1) Each local school district shall establish policies and procedures that:
 - (d) Outline procedures to be followed during and after each use of physical restraint or seclusion, including notice to parents, documentation of the event in the student information system, and a process for the parent or emancipated youth to request a debriefing session. [...]

Section 5.

- (2) If the student is not an emancipated youth, the parent of the student shall be notified of the physical restraint and seclusion verbally or through electronic communication, if available to the parent, as soon

as possible within twenty-four (24) hours of the incident. If the parent cannot be reached within twenty-four (24) hours, a written communication shall be mailed to the parent via U.S. mail.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

KRS 158.148. Definition of "bullying"- Discipline guidelines and model policy - Local code of acceptable behavior and discipline - Required contents of code.

(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.

KRS 158.444. Administrative regulations relating to school safety - Role of Department of Education to maintain statewide data collection system - Reportable incidents - Annual statistical reports - Confidentiality.

(2) The Kentucky Department of Education shall:

- (a) Collaborate with the Center for School Safety in carrying out the center's mission;
- (b) Establish and maintain a statewide data collection system by which school districts shall report by sex, race, and grade level:
 - 1.a. All incidents of violence and assault against school employees and students;
 - b. All incidents of possession of guns or other deadly weapons on school property or at school functions;
 - c. All incidents of the possession or use of alcohol, prescription drugs, or controlled substances on school property or at school functions; and
 - d. All incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any offense specified in KRS Chapter 508; KRS 525.070 occurring on school premises, on school-sponsored transportation, or at school functions; or KRS 525.080;
- 2. The number of arrests, the charges, and whether civil damages were pursued by the injured party;
- 3. The number of suspensions, expulsions, and corporal punishments; and
- 4. Data required during the assessment process under KRS 158.445; and
- (c) Provide all data collected relating to this subsection to the Center for School Safety according to timelines established by the center.

(3) The Department of Education shall provide the Office of Education Accountability and the Education Assessment and Accountability Review Subcommittee with an annual statistical report of the number and types of incidents reported under subsection (2)(b) of this section. The report shall include all monthly data and cumulative data for each reporting year. Reportable incidents shall be grouped in the report in the same manner that the reportable incidents are grouped in subsection (2)(b)1. of this section. Data in the report shall be sorted by individual school district, then by individual schools within that district, and then by individual grades within each school. The report shall not contain information personally identifying any student. The reporting period shall be for an academic year, and shall be delivered no later than August 31 of each year.

(4) All personally identifiable student data collected pursuant to subsection (2)(b) of this section shall be subject to the confidentiality provisions of the Kentucky Family Education Rights and Privacy Act, KRS

160.700 to 160.730, and to the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and its implementing regulations.

KRS 158.445. Local assessment of school safety and school discipline - District assessment - Local plans.

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

(a) Reports of school incidents relating to disruptive behaviors [...]

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

KRS 158.449. Annual report of assessment of disruptive behavior school incidents resulting in a complaint.

Each local school shall annually provide to the Department of Education, through the Kentucky Department of Education's student information system, an assessment of school incidents relating to disruptive behaviors resulting in a complaint, including whether:

(1) The incident involved a public offense or noncriminal misconduct;

(2) The incident was reported to law enforcement or the court-designated worker and the charge or type of noncriminal misconduct that was the basis of the referral or report; and

(3) The report was initiated by a school resource officer.

KRS 160.340. Reports by boards to Kentucky Board of Education - Filing of policies on specified matters.

(2) Each board of education shall file in the board's office its policies relating to the following matters:

(b) Discipline and conduct of pupils.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 7. The following data shall be reported by the district in the student information system related to incidents of physical restraint and seclusion:

(1) Aggregate number of uses of physical restraint;

(2) Aggregate number of students placed in physical restraint;

(3) Aggregate number of uses of seclusion;

(4) Aggregate number of students placed in seclusion;

(5) Aggregate number of instances of substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty to students related to physical restraint and seclusion;

(6) Aggregate number of instances of substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty to school personnel related to physical restraint and seclusion; and

(7) Aggregate number of instances in which a school resource officer or other sworn law enforcement officer is involved in the physical restraint or seclusion of a student.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

KRS 158.154. Principal's duty to report certain acts to local law enforcement agency.

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. Reporting of specified incidents of student conduct - Notation on school records - Report to law enforcement of certain student conduct - Immunity.

(4) A person who is an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

- (a) The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - 1. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - a. Carrying, possession, or use of a deadly weapon; or
 - b. Use, possession, or sale of controlled substances; or
 - 2. Any felony offense under the laws of this Commonwealth; and
- (b) 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.

KRS 158.156. Reporting of commission of felony KRS Chapter 508 offense against a student - Investigation - Immunity from liability for reporting - Privileges no bar to reporting.

(1) 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 cause an oral or written report to be made 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 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 a written report containing:

- (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision;
- (b) The student's age;
- (c) The nature and extent of the violation;
- (d) The name and address of the student allegedly responsible for the violation; and
- (e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.

(2) An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency.

KRS 158.4451. The Kentucky Office of Homeland Security, after collaboration with others, shall make available an anonymous reporting tool to allow students, parents, and community members to supply information about potentially harmful, dangerous, or criminal activities to public safety agencies and school officials - Goal is to facilitate widespread awareness of the reporting tool and to provide a comprehensive training and awareness program on the use of the tool.

(3) Information reported using the tool shall immediately be sent to the administration of each school district affected and the law enforcement agencies responsible for protection of those school districts, including but not limited to the local sheriff's office, the local city police department, and the Kentucky State Police.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 2.

(1) Each local school district shall establish policies and procedures that:

(e) Require notification, within twenty four (24) hours, to the Kentucky Department of Education and local law enforcement in the event of death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty resulting from the use of physical restraint or seclusion.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

KRS 16.128. The Department of Kentucky State Police is encouraged to receive training on issues pertaining to school and student safety, to meet with local superintendents, and to collaborate with local school districts on policies and procedures for communicating any instances of trauma-exposed students.

(1) The Department of Kentucky State Police is encouraged to receive training on issues pertaining to school and student safety and shall be invited to meet annually with local superintendents to discuss emergency response plans and emergency response concerns.

(2) The Department of Kentucky State Police is encouraged to collaborate with local school districts on policies and procedures for communicating to the school district any instances of trauma-exposed students.

KRS 158.441. Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

(5) "School resource officer" or "SRO" means an officer whose primary job function is to work with youth at a school site as described in KRS 158.4414, who has specialized training to work with youth at a school site pursuant to KRS 158.4414, and who is:

- (a) 1. A sworn law enforcement officer; or
2. A special law enforcement officer appointed pursuant to KRS 61.902; and

(b) Employed:

1. Through a contract between a local law enforcement agency and a school district;
2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
3. Directly by a local board of education.

KRS 158.4414. Cooperation of school personnel with local and state law enforcement agencies in efforts to assign certified school resource officers to each campus as funds and personnel become available - Memorandum of understanding between local boards of education and law enforcement agencies or the Kentucky State Police - Policies and procedures stating the purpose of the school resource officer program and defining roles and expectations - School resource officer to be armed with firearm - Promulgation of administrative regulations establishing levels of training for certification of school resource officers - Course curriculum, specifications for training requirements, and consequences for deficiencies in required training - Officers to regain certification status upon completion of training deficiency - Local school district superintendents to report annually to the Center for School Safety upon the number and placement of school resource officers in the district, source of funding, and methods of employment for each position.

(6) On or before January 1, 2020, the Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish three (3) levels of training for certification of school resource officers first employed as a school resource officer on or after March 11, 2019: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours of training, with SRO I to be completed within one (1) year of the date of the officer's employment and SRO II and SRO III within the subsequent two (2) years.

(7) Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:

- (a) Foundations of school-based law enforcement;
- (b) Threat assessment and response;
- (c) Youth drug use and abuse;
- (d) Social media and cyber security;
- (e) School resource officers as teachers and mentors;
- (f) Youth mental health awareness;
- (g) Diversity and bias awareness training;
- (h) Trauma-informed action;
- (i) Understanding students with special needs; and
- (j) De-escalation strategies.

(8) Effective January 1, 2020, all school resource officers with active school resource officer certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for school resource officers.

(9) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the Department of Criminal Justice Training or a designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.

(10) Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer serve in the capacity of a school resource officer in a school.

(11) When a school resource officer is deficient in required training, the commissioner of the Department of Criminal Justice Training or his or her designee shall notify the council, which shall notify the officer and the officer's employing agency.

(12) A school resource officer who has lost school resource officer certification due solely to the officer's failure to meet the training requirements of this section may regain certification status as a school resource officer and may resume service in the capacity of a school resource officer in a school setting upon successful completion of the training deficiency.

KRS 158.4415. Kentucky State Police school resource officer (KSPSRO), specifications for employment as a school resource officer by a school district - When officer considered an employee of the school district and when an employee of the Kentucky State Police - Duties and prohibited activities - Funding of position - Rights, privileges, immunities, and matters of defense protected.

(1) A KSPSRO shall possess sworn law enforcement authority and shall be trained in school-based policing and crisis response including all training required of school resource officers. If a school district decides to utilize a KSPSRO, the school district and the officer shall first enter into a memorandum of understanding that clarifies the purpose of the KSPSRO program and the roles and expectations of the participating entities.

REGULATIONS

704 KAR 7:160. Use of physical restraint and seclusion in public schools.

Section 1. Definitions.

(13) "School personnel" means teachers, principals, administrators, counselors, social workers, psychologists, paraprofessionals, nurses, librarians, school resource officers, sworn law enforcement officers, and other support staff who are employed in a school or who perform services in the school on a contractual basis. [...]

Section 6.

(1)(a) All school personnel shall be trained in state administrative regulations and school district policies and procedures regarding physical restraint and seclusion.

(b) All school personnel shall be trained annually to use an array of positive behavioral supports and interventions to:

1. Increase appropriate student behaviors;
2. Decrease inappropriate or dangerous student behaviors; and
3. Respond to dangerous behavior.

(c) This training may be delivered utilizing web-based applications.

(d) This training shall include:

1. Appropriate procedures for preventing the need for physical restraint and seclusion, including positive behavioral supports and interventions;
2. State administrative regulations and school district policies and procedures regarding physical restraint and seclusion;
3. Proper use of positive reinforcement;
4. The continuum of use for alternative behavioral interventions;
5. Crisis prevention;
6. De-escalation strategies for responding to inappropriate or dangerous behavior, including verbal de-escalation, and relationship building; and
7. Proper use of seclusion as established in Section 4 of this administrative regulation, including instruction on monitoring physical signs of distress and obtaining medical assistance if necessary.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

KRS 16.128. The Department of Kentucky State Police is encouraged to receive training on issues pertaining to school and student safety, to meet with local superintendents, and to collaborate with local school districts on policies and procedures for communicating any instances of trauma-exposed students.

(1) The Department of Kentucky State Police is encouraged to receive training on issues pertaining to school and student safety and shall be invited to meet annually with local superintendents to discuss emergency response plans and emergency response concerns.

(2) The Department of Kentucky State Police is encouraged to collaborate with local school districts on policies and procedures for communicating to the school district any instances of trauma-exposed students.

KRS 158.441. Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

(2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer. [...]

(5) "School resource officer" or "SRO" means an officer whose primary job function is to work with youth at a school site as described in KRS 158.4414, who has specialized training to work with youth at a school site pursuant to KRS 158.4414, and who is:

(a) 1. A sworn law enforcement officer; or

2. A special law enforcement officer appointed pursuant to KRS 61.902; and

(b) Employed:

1. Through a contract between a local law enforcement agency and a school district;

2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or

3. Directly by a local board of education.

KRS 158.442. Center for School Safety - Duties - School safety coordinator training program-Members of board - Center for School safety and its board of directors not subject to reorganization by the Governor.

(2) To fulfill its mission, the Center for School Safety shall:

(i) Beginning July 1, 2020 and by July 1 of each subsequent year, provide an annual report to the Governor, the Kentucky Board of Education, and the Interim Joint Committee on Education regarding the status of school safety in Kentucky, including the number and placement of school resource officers working in school districts in Kentucky and the source of funding and method of employment for each position in accordance with KRS 158.4414.

KRS 158.471. Local board of education authorized to establish police department for local school districts.

Pursuant to the authority granted to them under KRS 160.160 and 160.290, local boards of education are authorized to establish a police department for local school districts, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the school district, and designate and operate emergency vehicles. Police officers appointed under this section shall take an appropriate oath of office in the form and manner consistent with the Constitution of Kentucky. Police officers appointed pursuant to this section shall be granted with the protections provided in KRS 15.520 and shall be certified in accordance with KRS 15.380(1)(e).

KRS 158.473. Police officers appointed by local board of education – Powers.

(1) Police officers appointed by the local board of education pursuant to KRS 158.471 shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the local board of education authorizing and employing them. Without limiting the generality of the foregoing, such police officers are hereby specifically authorized and empowered, and it shall be their duty:

(a) To preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on all property owned by or being used by the school district for appropriate educational services and extracurricular activities, and to protect all persons and property located thereon from injury, harm, and damage;

(b) If permitted by and in accordance with local board of education policy, to enforce, and to assist the school district in the enforcement of, the lawful rules, regulations, and code of conduct of the school district; and

(c) To assist and cooperate with other law enforcement agencies and officers.

Provided, however, that such police officers shall exercise the powers herein granted upon any real property owned or occupied by the local board of education, including any streets passing through and adjacent thereto. Said powers may be exercised where the local board of education owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

(2) Police officers may exercise their powers away from the locations described in subsection (1) of this section only when:

(a) In immediate pursuit of an actual or suspected violator of the law;

(b) Authorized to do so pursuant to the agreement authorized by subsection (1) of this section;

(c) Requested to act by the chief of police of the city or county in which the school district's property is located;

(d) Requested to act by the sheriff of the county in which the school district's property is located;

(e) Requested to act by the commissioner of the Department of Kentucky State Police;

(f) Requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d), or (e) of this subsection;

(g) Requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his or her lawful duties; or

(h) Operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.

(3) Police officers appointed pursuant to KRS 158.471 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided the investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the employing school district. At the discretion of the local school board's police officials, the school board's police department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.

(4) Police departments created and operated by the local board of education shall for all purposes, be deemed public police departments, and its sworn police officers are deemed public police officers.

(5) Nothing in KRS 158.471 to 158.483 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable, or other peace officer, either on the property of a local school district or otherwise.

KRS 158.475 Appointed police officers to comply with KRS 61.300 and other requirements set by the local board of education.

All persons appointed as police officers pursuant to KRS 158.471 shall, at the time of their employment:

(1) Comply with the requirements of KRS 61.300; and

(2) Possess whatever other requirements as may be set by the local board of education which employs them.

KRS 158.4410. State school security marshal, duties and responsibilities - Marshal appointed by and reporting to the commissioner of the Department of Criminal Justice Training - Annual report to the Center for School Safety, the Legislative Research Commission, and the Kentucky Board of Education - School security risk assessment tool, purpose - Areas considered when evaluating school security - Annual verification of completion of state security risk assessment - Additional mandatory training, when required.

(6) The assessment tool shall enable administrators to evaluate school security compared to best practices and standards in a minimum of the following areas:

(f) School resource officer staffing, operational practices, and related services.

KRS 158.4414. Cooperation of school personnel with local and state law enforcement agencies in efforts to assign certified school resource officers to each campus as funds and personnel become available - Memorandum of understanding between local boards of education and law enforcement agencies or the Kentucky State Police - Policies and procedures stating the purpose of the school resource officer program and defining roles and expectations - School resource officer to be armed with firearm - Promulgation of administrative regulations establishing levels of training for certification of school resource officers - Course curriculum, specifications for training requirements, and consequences for deficiencies in required training - Officers to regain certification status upon completion of training deficiency - Local school district superintendents to report annually to the Center for School Safety upon the number and placement of school resource officers in the district, source of funding, and methods of employment for each position.

(1) Local boards of education, school district superintendents, administrators of state-controlled facilities, and local and state law enforcement agencies shall cooperate to assign one (1) or more certified school resource officers to serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis as funds and qualified personnel become available.

(2) Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police shall enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the school resource officer program and clearly defines the roles and expectations of each party involved in the program. The memorandum shall provide that the school resource officer shall not be responsible for school discipline matters that are the responsibility of school administrators or school employees.

(3) Local boards of education utilizing a school resource officer employed directly by the local board of education shall adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.

(4) In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement. [...]

(12) No later than November 1 of each year, the local school district superintendent shall report to the Center for School Safety the number and placement of school resource officers in the district. The report shall include the source of funding and method of employment for each position.

KRS 158.4415. Kentucky State Police school resource officer (KSPSRO), specifications for employment as a school resource office by a school district - When officer considered an employee of the school district and when an employee of the Kentucky State Police - Duties and prohibited activities - Funding of position - Rights, privileges, immunities, and matters of defense protected.

(1) A KSPSRO shall possess sworn law enforcement authority and shall be trained in school-based policing and crisis response including all training required of school resource officers. If a school

district decides to utilize a KSPSRO, the school district and the officer shall first enter into a memorandum of understanding that clarifies the purpose of the KSPSRO program and the roles and expectations of the participating entities. Any contract entered into pursuant to this subsection shall include:

(a) A provision specifying that the KSPSRO shall follow the policies and procedures of the Department of Kentucky State Police and shall abide by federal, state, and local laws. The responsibility and decision to arrest or take other police action lies solely with the KSPSRO, respective to state law and the KSPSRO's departmental standard operating procedures or standing order. The KSPSRO's continual collaboration with school personnel and his or her understanding of each student's needs may impact the decision to arrest or take other police action, but the responsibility is that of the KSPSRO;

(b) A provision stipulating that the KSPSRO shall be an employee of the school district, but shall revert to Department of Kentucky State Police employee status during such time that the KSPSRO takes police action pursuant to state or federal law. The KSPSRO shall be under the immediate supervision and direction of the Department of Kentucky State Police when taking police action;

(c) A provision stipulating that the school district shall be responsible for worker's compensation coverage for the KSPSRO; and

(d) A provision detailing how liability coverage will be provided for any acts or omissions of the KSPSRO within the scope of his or her duties.

(2)(a) A KSPSRO shall promote the safety and security of students and school personnel during school activities and on school property.

(b) A KSPSRO may assist with supportive activities and programs, including but not limited to:

1. Planning and implementing procedures that train and drill all school personnel to respond to crisis events, control access to the school property during the school day, and close or partially close the school property after students arrive;
2. Identifying risk and protective factors of students; and
3. Coordinating nurturing intervention and prevention efforts.

(c) A KSPSRO shall not address school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or school personnel.

(d) A KSPSRO shall not administer formal school discipline such as detentions, suspensions, or expulsions. These decisions are the sole responsibility of school personnel.

(3) Notwithstanding KRS Chapter 11A, the KSPSRO shall wear the uniform and utilize the vehicles, firearms, ammunition, and equipment issued to him or her by the Department of Kentucky State Police or other agency-authorized clothing or equipment. In the event additional weapons or gear is utilized than that which is carried on his or her person, the storage of these items shall be defined by the Department of Kentucky State Police. If a vehicle or equipment is damaged during the scope of a KSPSRO's secondary employment with the school district, but not while the KSPSRO is engaged in police action, the school district is responsible for restitution to the Department of Kentucky State Police.

(4) Notwithstanding subsection (2) of this section, a KSPSRO shall be deemed an employee of the Department of Kentucky State Police for all purposes whenever engaged in any police action, including arrests, searches and seizures, uses of force, issuing citations, serving warrants, pursuing suspects, or investigating criminal offenses or vehicle accidents.

(5) Nothing in this section shall be construed to require the Department of Kentucky State Police to assign or provide funding for KSPSROs.

(6) Nothing in this section shall be deemed to waive or otherwise limit the rights, privileges, immunities, and matters of defense, now available or hereafter made available, to school districts, the Department of

Kentucky State Police, any local law enforcement agency, any KSPSRO, or any school resource officer in any suit brought against them in consequence of acts or omissions.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

KRS 158.4412. Appointment of district's school safety coordinator - School safety coordinator's functions and duties - Policies and procedures excluded from application of KRS 61.870 to 61.884 - Limitation of civil and criminal liability for school district, school safety coordinator, and school employees acting in good faith.

(2) The district's school safety coordinator shall:

(b) Designate a school safety and security threat assessment team at each school of the district consisting of two (2) or more staff members in accordance with policies and procedures adopted by the local board of education to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel.

- **KRS 158.4414. Cooperation of school personnel with local and state law enforcement agencies in efforts to assign certified school resource officers to each campus as funds and personnel become available - Memorandum of understanding between local boards of education and law enforcement agencies or the Kentucky State Police - Policies and procedures stating the purpose of the school resource officer program and defining roles and expectations - School resource officer to be armed with firearm - Promulgation of administrative regulations establishing levels of training for certification of school resource officers - Course curriculum, specifications for training requirements, and consequences for deficiencies in required training - Officers to regain certification status upon completion of training deficiency - Local school district superintendents to report annually to the Center for School Safety upon the number and placement of school resource officers in the district, source of funding, and methods of employment for each position.**

(6) Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:

(b) Threat assessment and response.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Kentucky provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Bullying and Harassment, Kentucky Department of Education (KDE)	Addresses bullying and provides links to resources such as prevention, statistics, and technical assistance in promoting positive school climates.	https://education.ky.gov/school/sdfs/Pages/Bullying.aspx
Bullying Prevention Spotlight, KDE	This page is designated for spotlighting Kentucky schools who have implemented successful bullying prevention initiatives.	https://education.ky.gov/school/sdfs/Pages/Bullying-Prevention-Spotlight.aspx
District and Public School Building Emergency Management Plans, KDE	Provides resources and guidelines on developing district and school emergency management plans.	https://education.ky.gov/school/sdfs/Pages/District%20and%20Public%20School%20Building%20Emergency%20Management%20Plans.aspx
Juvenile Justice Reform and Education, KDE	Provides information about juvenile justice reform in education, including amended and new obligations for school resource officers, school security officers, local schools, and directors of pupil personnel.	https://education.ky.gov/school/sdfs/Pages/Senate%20Bill%20200.a.spx
Kentucky Multi-Tiered System of Supports (KMTSS), KDE	Provides an overview of the KyMTSS framework and offers guidance for planning and decision making as districts and schools develop a system of interventions to meet the needs of all students.	https://education.ky.gov/curriculum/standards/teachtools/Pages/ks.i.aspx
Physical Restraint and Seclusion in Public Schools, KDE	Provides information about physical restraint and seclusion in KY public schools.	https://education.ky.gov/school/sdfs/Pages/useofrestsecl.aspx
Positive Behavioral Interventions and Supports (PBIS), KDE	Provides information and training for implementation and best practices of PBIS in the classroom.	https://education.ky.gov/school/sdfs/Pages/Positive-Behavior-in-Schools-(PBIS).aspx

Title	Description	Website address (if applicable)
Safe Schools Data Collection and Reporting, KDE	Provides data standards for data entry of discipline events and resolutions, reporting timeline and requirements.	https://education.ky.gov/school/sdfs/Pages/Safe-Schools-Data-Collection-and-Reporting.aspx
Safe Schools, KDE	Provides an overview of the Safe Schools Team at the Department of Education, including a list of related regulations and statutes, school safety resources, and information for discipline, social emotional learning, PBIS, restraint and seclusion, and bullying.	https://education.ky.gov/school/sdfs/Pages/default.aspx
School Crisis and Emergency Response/Recovery, KDE	Provides resources to help schools and districts recover from a crisis or emergency that has impacted the learning community, including resources to help address the health, social, emotional, and behavioral recovery of students and staff.	https://education.ky.gov/school/sdfs/Pages/School-Crisis-and-Emergency-Response-Resources.aspx
School Improvement, KDE	Provides information on KDE's continuous goal of improving schools including additional information and resources regarding alternative education programs, chronic absenteeism, and evidence-based practices.	https://education.ky.gov/school/Pages/default.aspx
School Safety and Resiliency Act	Provides information about the School Safety and Resiliency Act, which affects multiple statutes regarding school safety and student resiliency, district trauma-informed education plans, and the Trauma-Informed Toolkit.	https://education.ky.gov/school/sdfs/Pages/School-Safety-and-Resiliency-Act-(Senate-Bill,-2019).aspx
School Safety, Kentucky Center for School Safety	Collaborated with Kentucky Department of Education to provide training and professional development to school districts on bullying and cyberbullying prevention, classroom management, and school violence.	https://kycss.org/school-safety-issues/
Social, Emotional and Behavioral Learning/Health, KDE	Provides information about social emotional learning, links to resources for elementary and middle/high schools, and access to mental health prevention and intervention training videos and documents.	https://education.ky.gov/school/sdfs/Pages/Social-Emotional-and-Behavioral-Learning-Health.aspx

Title	Description	Website address (if applicable)
Student Discipline Guidelines and Model Policies, KDE	Provides downloadable links to student discipline guidelines and model policies as required by KRS 158.148(2)(c), including bullying/hazing, harassment/discrimination, and employee reports of criminal activity.	https://education.ky.gov/school/sdfs/Pages/Student-Discipline-Guidelines-and-Model-Policy.aspx
Suicide Prevention and Awareness	Provides information to help educators, students, and communities learn warning signs and how to take action when a young person might be at risk of a suicidal crisis.	https://education.ky.gov/school/sdfs/Pages/Suicide-Prevention-and-Awareness.aspx
Supporting LGBTQI Plus Students	Provides resources and guidance to support schools as they seek to create welcoming and inclusive environments for all students, with a focus on LGBTQI+ students	https://education.ky.gov/school/sdfs/Pages/Supporting-LGBTQ%20Plus%20Students.aspx
Documents		
A Guide to the Kentucky Multi-Tiered System of Supports (KyMTSS), KDE	Resource guide for districts and schools planning and decision making for developing and implementing MTSS to meet the needs of all students.	https://education.ky.gov/curriculum/standards/teachtools/Pages/KSI.aspx
Bullying/Hazing Model Policy, KDE	Model policy addressing bullying and hazing in Kentucky schools.	https://education.ky.gov/school/sdfs/Documents/A09.422%20Bullying%20Hazing.pdf
Harassment/Discrimination (A09.42811), KDE	Model policy addressing harassment and discrimination in Kentucky schools.	https://education.ky.gov/school/sdfs/Documents/A09.42811%20Harassment%20Discrimination.pdf
Student Discipline Code (A09.438), KDE	Model policy for student discipline code required to be posted at each school, reference in all school handbooks, and provided to school employees, parents, legal guardians, and other persons exercising custodial control or supervision.	https://education.ky.gov/school/sdfs/Documents/Model%20Policy%20A09.438.pdf
Student Discipline Guidelines (2022), KDE	Guidelines for local boards of education in developing or refining current district discipline codes.	https://education.ky.gov/school/sdfs/Documents/Student%20Discipline%20Guidelines.pdf

Title	Description	Website address (if applicable)
Trauma-Informed Discipline Response and Behavior System	Provides information and resources on developing appropriate discipline responses and proactive practices that support positive student behavior while recognizing trauma-related causal factors and minimizing opportunities for re-traumatization.	https://education.ky.gov/school/sdfs/Documents/Trauma%20Informed%20Discipline%20Response%20and%20Behavior%20System.pdf
Other Resources		
Academic and Behavioral Response to Intervention, University of Louisville	Kentucky Department of Education Project focused on developing training and technical assistance in the basics of effective instruction and classroom management that formulate the universal level of PBS and RTI in the school and classroom.	https://louisville.edu/education/kyabri
Center for Instructional and Behavioral Research in Schools (CIRBS) Videos	Training videos in partnership with Kentucky Department of education on PBIS, mental health prevention and intervention, and restraint and seclusion.	https://cibrs.com/
Safe Schools Annual Statistical Report 2019-2020 (November 2020), KDE	Report with an overview, starting with student enrollment compared with behavior events, followed by disaggregated discipline resolutions and incident categories sorted by race/ethnicity, sex, grade level, and socioeconomic status.	https://education.ky.gov/school/sdfs/Documents/2019-20%20School%20Safety%20Annual%20Statistical%20Report.pdf