

LEGAL: SB 101 AMENDS KRS 158.155 REQUIRING SCHOOL EMPLOYEES REPORT INTENTIONAL PHYSICAL INJURY OR INTENTIONAL ATTEMPT TO CAUSE PHYSICAL INJURY OF ANY SCHOOL EMPLOYEE AND INTENTIONAL ASSAULT RESULTING IN SERIOUS PHYSICAL INJURY TO LAW ENFORCEMENT UNLESS THE SCHOOL EMPLOYEE HAS CAUSE TO BELIEVE A STUDENT'S DISABILITY INTERFERED WITH HIS OR HER ABILITY TO CONFORM TO THE STUDENT CODE OF CONDUCT. ADDITIONAL REPORTING REQUIREMENT FOR DISTRICT CREATED LAW ENFORCEMENT AGENCY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: KRS 209.160 HAS BEEN RENUMBERED AS KRS 209A.045.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.425

STUDENTS

**Assault and Threats of Violence**

For purposes of this Policy, a “threat” shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

**STUDENTS**

Any student who threatens, physically assaults, batters or abuses school personnel or another student on school property, at a bus stop, or at a school function shall be subject to appropriate disciplinary action, including suspension or expulsion.<sup>1</sup>

Students may also be subject to prosecution or juvenile justice interventions for assault, threats, or other abusive conduct.

The Principal shall 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 provision of KRS 508.078 and potential penalties under KRS 532.060 and KRS 534.030.<sup>2</sup>

**EDUCATIONAL PERSONNEL**

Any student who threatens, physically assaults, batters or physically or verbally abuses educational personnel on or off school property (and the incident is likely to substantially disrupt the educational process) shall be subject to appropriate disciplinary action<sup>1</sup> up to and including expulsion from school and/or legal action.

**REMOVAL OF STUDENTS**

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's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

1. Disrupts the classroom environment and education process or the student challenges the authority of a supervising adult.
2. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
3. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

The Principal may establish (school) 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.

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal/designee shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

**Assault and Threats of Violence****REMOVAL OF STUDENTS (CONTINUED)**

Per KRS 158.150, 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 and no other basis for suspension shall be deemed necessary.

At any time during the school year, for a student who has been removed from the classroom the 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.

At any time during the school year, the 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 will chronically disrupt the education process for other students.

When a student is removed from a classroom 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:

- Another classroom in that school; and/or
- An alternative program or setting, which may be provided virtually by the school, as approved by the Superintendent or designee.

Any permanent action by the Principal shall be subject to an appeal process in accordance with Policy 09.4281/Grievances and the District’s Code of Conduct.

**STUDENTS WITH DISABILITIES**

In cases which involve students with disabilities the procedures mandated by federal and state law for students with disabilities shall be followed.

**REPORT TO LAW ENFORCEMENT AGENCY**

Per KRS 158.155, any school employee who knows or has reasonable cause to believe that a person has made threats or plans of violence which are intended to target a school or students or who knows that a firearm is present on school property in violation of KRS 527.070, shall immediately cause a report to be made to the District’s law enforcement agency and either to the local law enforcement agency or to the Kentucky State Police.

Any school employee shall immediately report to the District’s law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police any act which the employee has a reasonable cause to believe has occurred on school property or at a school-sponsored or sanctioned event involving:

- a. Intentional physical injury, or intentional attempt to cause physical injury, as defined in KRS 500.080, to any school employee;
- a-b. Intentional Assault resulting in serious physical injury, as defined in KRS 500.080;
- b-c. A sexual offense;
- e-d. Kidnapping;
- e. Assault with the use of a weapon;

**Assault and Threats of Violence****REPORT TO LAW ENFORCEMENT AGENCY (CONTINUED)**

- f. Possession of a firearm or deadly weapon in violation of the law;
- g. The use, possession, or sale of a controlled substance in violation of the law; or
- h. Intentional or wanton ~~D~~ damage to property causing a pecuniary loss of five hundred dollars (\$500) or more.

Any school employee who receives information from a student or other person of conduct which is required to be reported shall report the conduct to the District's law enforcement agency and to either the local law enforcement agency or to the Kentucky State Police, unless the school employee has cause to believe a student's disability interfered with his or her ability to conform to the Student Code of Conduct.

~~A District that has created their own law enforcement agency shall designate a local law enforcement agency not created by the District to receive reporting information from the District's law enforcement agency. The District's law enforcement agency shall file a weekly report for the preceding week identifying all reports received under KRS 158.155.~~

**DOMESTIC/DATING VIOLENCE REPORTING AND EDUCATION**

Upon the request of a victim, school personnel shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer. School personnel shall discuss the report with the victim prior to contacting a law enforcement officer.

School personnel shall report to a law enforcement officer when s/he has a belief that the death of a victim with whom s/he has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

These reporting requirements covering domestic violence and abuse or dating violence and abuse do not relieve school personnel of the duty to report any known or suspected abuse, neglect, or dependency of a child pursuant to KRS 620.030. This separate reporting requirement covers abuse, neglect or dependency of a child committed or caused by a parent, guardian, other person exercising control or supervision, or a person in a position of authority or special trust.

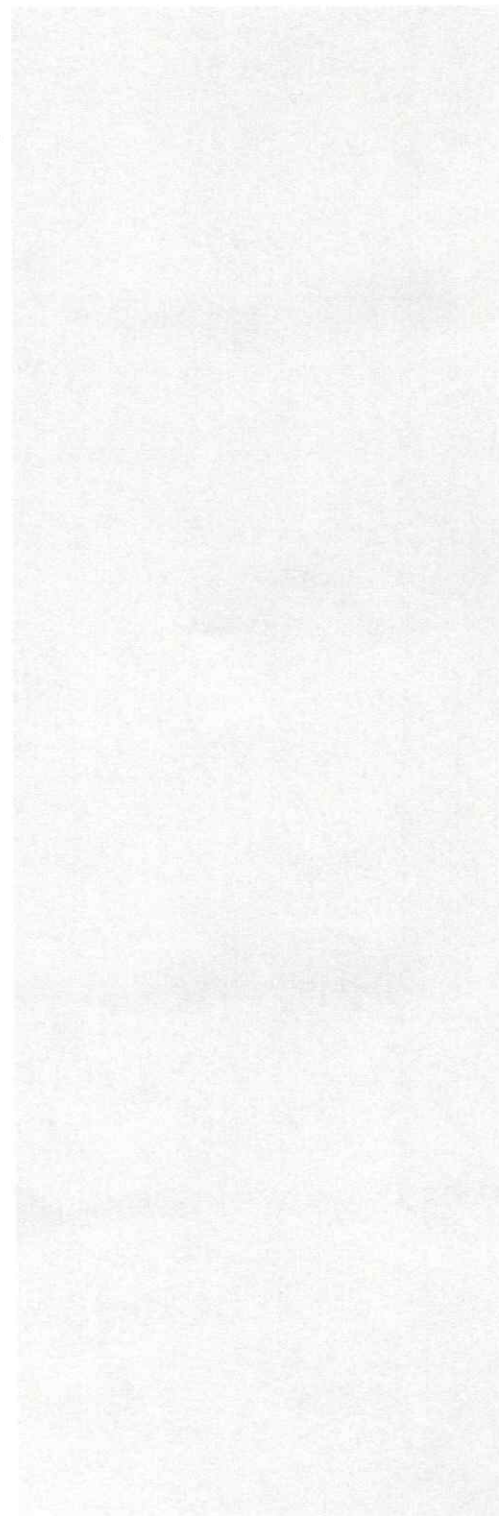
If individual school personnel has reasonable cause to believe that a victim with whom s/he has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, s/he shall provide educational materials to the victim relating to such form(s) of abuse and including information on access to regional domestic violence programs or rape crisis centers and how to access protective orders. These materials shall be made available to school personnel in print form or on the web by the primary domestic violence, shelter, and advocacy service provider designated by the Cabinet for Health and Family Services to serve the school District's area.

**NOTIFICATIONS**

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify staff members and/or students who have been threatened and parents of students who are the subject of a threat. Such notification shall observe and comply with confidentiality requirements of applicable law including, but not limited to, state and federal Family Educational Rights and Privacy Act (FERPA) laws.

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of physical abuse of a school employee or of carrying a concealed  
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weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee, guidance counselor or other official who has knowledge of the student's behavior prior to the assignment or contact.



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(CONTINUED)

**Assault and Threats of Violence**

**REFERENCES:**

<sup>1</sup>KRS 158.150  
<sup>2</sup>KRS158.1559  
KRS 158.155; KRS 160.290  
KRS 161.155; KRS 161.190; KRS 161.195  
KRS 209A:020; ~~KRS 209.160~~[KRS 209A.045](#)  
KRS 209A.100; KRS 209A.110; KRS 209A.130  
KRS 211.160; KRS 403.720; KRS 456.010  
KRS 508.025; KRS 508.075; KRS 508.078; KRS 525.080  
KRS 527.070; KRS 532.060; KRS 534.030; KRS 620.030  
702 KAR 5:080

**RELATED POLICIES:**

03.123; 03.13253; 03.223; 03.23253; 05.4; 05.48  
06.34; 09.14; 09.2211; 09.422; 09.423; 09.426; 09.4281; 09.429; 09.4341