BULLYPROOF:
INTRODUCTION TO LEGAL ISSUES RELATED TO BULLYING

Sponsor: Young Lawyers Division
CLE Credit: 1.0
Thursday, June 19, 2014
3:45 p.m. - 4:45 p.m.
Ballrooms D-E
Northern Kentucky Convention Center
Covington, Kentucky
A NOTE CONCERNING THE PROGRAM MATERIALS

The materials included in this Kentucky Bar Association Continuing Legal Education handbook are intended to provide current and accurate information about the subject matter covered. No representation or warranty is made concerning the application of the legal or other principles discussed by the instructors to any specific fact situation, nor is any prediction made concerning how any particular judge or jury will interpret or apply such principles. The proper interpretation or application of the principles discussed is a matter for the considered judgment of the individual legal practitioner. The faculty and staff of this Kentucky Bar Association CLE program disclaim liability therefore. Attorneys using these materials, or information otherwise conveyed during the program, in dealing with a specific legal matter have a duty to research original and current sources of authority.
TABLE OF CONTENTS

The Presenters .......................................................................................................................... i

Bullyproof: Introduction to Legal Issues Relating to Bullying .................................................. 1

Kentucky School Boards Association Policies ........................................................................... 9
  Bullying/Hazing ..................................................................................................................... 9
  Harassment/Discrimination .................................................................................................. 11
  Student Discipline Code ....................................................................................................... 15
  Employee Reports of Criminal Activity .................................................................................. 17
THE PRESENTERS

Roula Allouch
Law Offices of Raymond Decker
600 Vine Street, Suite 412
Cincinnati, Ohio 45202
(513) 241-5005
Roula.allouch@libertymutual.com

ROULA ALLOUCH is an attorney in Cincinnati and concentrates her practice in the area of civil litigation. She is a graduate of the University of Kentucky and received her J.D. from the University of Kentucky College of Law. Ms. Allouch is a member of the Cincinnati, Kentucky, and American Bar Associations.

Teresa T. Combs
Kentucky School Boards Association
3409 Grasmere Drive
Lexington, Kentucky 40503
(502) 695-4630
Teresa.combs@ksba.org

TERESA T. COMBS has served as an attorney for the Kentucky School Board Association since July 1996. She provides daily consultation to school districts on a variety of legal issues attendant to school district management, such as, financial oversight, personnel, student discipline, harassment and bullying, investigation and documentation, special education, Section 504, and the Americans with Disabilities Act. Ms. Combs previously served as general counsel to the Fayette County Public Schools for four years and spent eight years in the general practice of law, representing school boards and businesses. She is a graduate of Pikeville College and the University of Kentucky College of Law. Ms. Combs is a frequent presenter on school law topics.
JOSHUA B. CRABTREE has served as the managing attorney of the Children’s Law Center since 2007. He regularly represents clients in child custody, child maltreatment, education and child victim cases. Mr. Crabtree is a magna cum laude graduate of Transylvania University and an honors graduate of the University of Cincinnati College of Law. He serves as co-editor of The Federal Education Rights of Children: A Practitioner’s Guide and has taught classes at local universities and law schools on topics involving the legal rights of children. Mr. Crabtree is a member of the Kentucky Bar Association's Committee on Child Protection and Domestic Violence.

EDWARD E. DOVE maintains a private practice in Lexington where he practices in the areas of education, employment and criminal defense. In addition, Mr. Dove serves as an Adjunct Professor for the University of Kentucky College of Education. He received his B.A. from the University of Maryland, M.S. from Eastern Kentucky University, and his J.D. from Drake University Law School. Mr. Dove is admitted to practice before the United States District Court for the Eastern and Western Districts of Kentucky, the United States Court of Appeals for the Sixth Circuit, the United States Court of Veterans Appeals, the United States Court of Appeals for the Federal Circuit, and the United States Supreme Court. He is a member of the Fayette County and Kentucky Bar Associations, the Kentucky Justice Association, and the Council of Parent Attorneys and Advocates.
SUSAN HANLEY DUNCAN serves as Interim Dean at the Louis D. Brandeis School of Law at the University of Louisville. Her teaching and research interests are in lawyering skills, education law and restorative practices and her scholarship has focused primarily on the issues surrounding children, including the need for anti-bullying laws and laws protecting children from pornography on the Internet. Her recent scholarship focuses on use of restorative practices in schools, universities and in the workplace. Dean Duncan is a past chair of the University of Louisville’s Commission on the Status of Women and is a member of multiple university committees. Nationally, she served in leadership positions on several boards that focus on the development of new legal writing professors. The Louisville Bar Association awarded the 2010 Distinguished Service Award to Dean Duncan for chairing numerous LBA committees. She frequently presents on legal writing and education law topics. Dean Duncan has been a visiting professor at the University of Montpellier, France, University KwaZulu-Natal, South Africa, Johannes Gutenberg University, Mainz, Germany, the University of Leeds, England and the University of Turku, Finland. She received her B.A. from Miami University and J.D. from the University of Louisville’s Louis D. Brandeis School of Law.
BULLYPROOF:
INTRODUCTION TO LEGAL ISSUES RELATING TO BULLYING
Susan Hanley Duncan

I. THE MYTHS1:

Many myths and misperceptions surround the issue of bullying. Some of the more common include:

A. Bullying Is Simply Part of Childhood
B. "Boys Will Be Boys"
C. Girls Do Not Bully
D. People Who Bully Are Losers
E. Bullied Children Just Need to Learn How to Deal with Bullying

II. DEFINITION2

Many definitions exist but most experts agree that bullying includes:

A. Attack or intimidation with the intention to cause fear, distress or harm that is either physical (hitting, punching), verbal (name calling, teasing) or psychological (rumors, social exclusion); [INTENT TO CAUSE HARM]
B. A real or perceived imbalance of power between the bully and the victim; [IMBALANCE OF POWER] and
C. Repeated attacks or intimidation between the same children over time. [REPETITION]

III. STATISTICS3

B. Thirty percent of U.S. students in grades six through ten are involved in moderate or frequent bullying – as bullies, as victims, or as both –

---

1 Pacer Center Action Information Sheets Common Views and Myths about Bullying (2011).
2 National Center for Injury Prevention and Control, Understanding Bullying Fact Sheet (2011).
3 These statistics were obtained from Bullying Statistics/Cyberbullying Statistics/School Bullying Statistics available at http://naaas.org/statistics.pdf.
according to the results of the first national school bullying statistics and cyber bullying statistics survey on this subject.

C. Each day 160,000 students miss school due to bullying.

D. Bullying is a leading factor in suicide among kids eleven to sixteen years of age.

E. School bullying statistics and cyber bullying statistics are increasingly viewed as an important contributor to youth violence, including homicide and suicide. Case studies of the shooting at Columbine High School and other U.S. schools have suggested that bullying was a factor in many of the incidents.

F. Forty-two percent of kids have been bullied while online. One in four has had it happen more than once.

IV. IMPACT OF BULLYING

A. Causes physical, social, and emotional distress.

B. Increased risk of mental health issues including depression and anxiety, psychosomatic complaints such as headaches, and poor school adjustment.

C. Increased risk of substance abuse, academic problems, and violence.  

V. STATE LAWS

A. Forty-nine states have bullying laws in their education or criminal codes. Montana has a bullying policy.

B. The Department of Education outlined legislative and policy provisions in bullying laws into eleven categories or key components. These categories included:

1. Purpose.

2. Scope.

3. Prohibited behavior.

4. Enumerated groups.

5. District policy development.

---

4 National Center for Injury Prevention and Control, Understanding Bullying Fact Sheet (2011).

6. District policy review.

7. District policy components.

8. Communications.


11. Legal remedies.  

VI. KENTUCKY LAW


B. Kentucky Revised Statutes Annotated §158.150 – Suspension or expulsion of pupils, http://www.lrc.ky.gov/KRS/158-00/150.PDF.

C. Kentucky Revised Statutes Annotated §158.440 – Legislative findings on school safety and order, http://www.lrc.ky.gov/KRS/158-00/440.PDF.


G. Kentucky Revised Statutes Annotated §525.080 – Harassing communications, http://www.lrc.ky.gov/KRS/525-00/080.PDF.

VII. KENTUCKY BULLYING CASES


6 Id.

7 These case summaries were taken verbatim from Public Justice, Jury Verdicts and Settlements in Bullying Cases (January 2014 edition) available at https://publicjustice.net/sites/default/files/downloads/BullyingVerdictsandSettlements-020714.pdf.
1. Settlement: $110,000 ($108,000 shared collectively; $2,000 for one plaintiff from a defendant sued in her individual capacity).


3. Multiple plaintiffs (five).

4. Basic facts: Five female high school students, ages fifteen through eighteen, sued the school district and administrators for repeated verbal and physical abuse they suffered from their peers at school. One girl had a bald spot on her head from where a bully pulled out her hair; another received death threats causing her to transfer to a different school; and a third was diagnosed with adjustment disorder, which involves feelings of depression or anxiety. In response, the principal told one of the girls that there was nothing he could do about the bullying. The vice principal told another girl that she should toughen up.


6. Plaintiffs' attorneys: Ted Lavit of Lebanon, KY; Ned Pillersdorf of Prestonsburg, KY; Brenda Popplewell of Somerset, KY.

7. For more information see: http://articles.centralkynews.com/2008-12-21/news/24870344_1_settlement-lawsuit-administrators

B. Putman v. Board of Education of Somerset Independent Schools, 00-cv-00145-JBC (E.D. Ky. 2000)

1. Settlement: $135,000 and injunctive relief.

2. Injunctive relief: School district required to create a new anti-harassment policy.

4. Harassment/injuries: Anti-gay verbal and physical assault.

5. Single plaintiff.

6. Basic facts: Plaintiff experienced verbal and physical harassment because of his perceived sexual orientation. Students wrote three death threats to him within the span of a few months, threw objects at him, and called him names. One student grabbed his groin area and made sexually suggestive gestures at him.

7. Causes of action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. §1983 alleging equal protection violation on the basis of actual or perceived sexual orientation.

8. Plaintiff's attorneys: Everett C. Hoffman, Louisville, KY; John Frith Stewart, Crestwood, KY; Michael A. Owsley, Bowling Green, KY.

C. Vance v. Spencer County Public School District, 231 F.3d 253 (6th Cir. 2000)

2. Harassment/injuries: Sexual harassment, including assault.


4. Basic facts: For years, a female student was subjected to verbal and physical sexual harassment by other students. As a result, she suffered from depression and withdrew from school. In virtually every class, plaintiff was asked for sexual favors and was touched in inappropriate ways. On one occasion, while in class, two male students held her down while others yanked off her shirt, pulled her hair, and attempted to disrobe. On another occasion, she was stabbed in the hand with a pen. Plaintiff was also repeatedly hit with books by groups of students and subjected to name-calling.

5. Cause of action: Title IX claim for deliberate indifference to sexual harassment.

6. Plaintiff’s attorney: Oliver H. Barber, Jr., Jeffery S. Miller, Louisville, KY.

D. Recent Jefferson County Public Schools’ Cases

More recent cases were filed against JCPS by attorney Teddy Gordon. In a phone interview with Teddy Gordon on March 17, 2014, Mr. Gordon indicated that three of the cases M.H. (child left hanging in the bathroom), T.H. (child sexually assaulted on school bus) and B.B. (child attempted suicide after being bullied because of perceived sexual orientation when he tried out for the cheerleading team) all remain in the discovery phase. A.F. (child hit on playground by another student who knew karate) is on appeal after the defendants appealed the denial of their Summary Judgment motion. Mr. Gordon also intervened in a Fayette County case involving a video attributed to the wrong student.

VIII. MORE RECENT CASES

A. Supreme Court Declines to Take Bullying Case


The United States Supreme Court refused to hear an appeal seeking to hold a Pennsylvania school district responsible for repeated bullying of a high school student by one of her peers.

The appeals court ruled 9-5 for the school defendants that there was no "special relationship" between schools and students and 10-4 that legal injuries to the victims were not the result of actions taken by administrators under a "state-created danger" theory of liability.

B. Suicide and Bullying

*Estate of Montana Lance v. Lewisville Indep. Sch. Dist.*, No. 12-41139 (5th Cir. Feb. 28, 2014)

Fifth Circuit rejects Section 504 peer bullying claim where student committed suicide finding school was not deliberately indifferent to events. *See more* at [http://legalclips.nsba.org/2014/03/06/5th-circuit-rejects-section-504-peer-bullying-claim-where-student-committed-suicide-finding-school-was-not-deliberately-indifferent-to-events/](http://legalclips.nsba.org/2014/03/06/5th-circuit-rejects-section-504-peer-bullying-claim-where-student-committed-suicide-finding-school-was-not-deliberately-indifferent-to-events/)


C. Bullying of LGBT Students

Southern Poverty Law Center (SPLC) has filed suit in federal court against the Moss Point School District (MPSD) alleging that lesbian, gay, bisexual and transgender (LGBT) students, as well those perceived as LGBT, are being subject to pervasive bullying and harassment in the district's schools. *See more* at: [http://legalclips.nsba.org/2013/12/19/mississippi-district-sued-for-alleged-bullying-of-lgbt-students-by-staff-and-students/#sthash.Ukrhbmxa.dpuf](http://legalclips.nsba.org/2013/12/19/mississippi-district-sued-for-alleged-bullying-of-lgbt-students-by-staff-and-students/#sthash.Ukrhbmxa.dpuf)

D. Bullying on the Bus


E. Cyberbullying

Student sues school district for ignoring her claims of cyberbullying that forced her to leave school. See more at http://legalclips.nsba.org/2013/04/22/former-students-title-ix-suit-faults-michigan-districts-response-to-sexual-assault-and-cyberbullying-reports/

JCPS schools recently dealt with students posting nude pictures; see http://www.wave3.com/story/24486031/jcps-students-nude-photo-postings-are-cyber-bullying-perhaps-criminal

F. Bullying of Disabled Students

A substitute teacher and five students were charged for bullying a disabled student in gym class. See more at http://www.whas11.com/news/education/Ohio-students-teacher-charged-in-bullying-case-249339571.html

IX. THEORIES OF LIABILITY

A. Title IX
B. Title VI
C. Title II, Section 504, and the IDEA
D. Section 1983
E. State Civil Rights Laws
F. Tort Theories (negligence, NIED, IIED)
G. Breach of Contract Claims

---

**Bullying/Hazing**

In order to effectively participate in the democratic process as adults, students must learn to respect the rights of others and to interact with them in a civil manner. Therefore, students are required to speak and behave in a civil manner toward students, staff and visitors to the schools.

**ACTIONS NOT TOLERATED**

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior. This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Students who violate this policy shall be subject to appropriate disciplinary action.

**BULLYING DEFINED**

Bullying refers to any intentional act by a student or groups of students directed against another student to ridicule, humiliate, or intimidate the other student while on school grounds, or at a school sponsored activity, which acts are repeated against the same student over time.

**REPORTS**

As provided in the District Code of Acceptable Behavior and Discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action.

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party.

Students who believe they have been a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it.

The District Code shall specify to whom reports of alleged instances of bullying or hazing shall be made. In serious instances of peer-to-peer bullying/hazing/harassment, employees must report to the alleged victim’s Principal, as directed by Board policy 09.42811. The Principal/designee shall investigate and address alleged incidents of such misbehavior.
Bullying/Hazing

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.

REFERENCES:

KRS 158.150; KRS 158.148; KRS 158.156
  KRS 160.290
  Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)

RELATED POLICIES:

  03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438
  09.2211 (re: reports required by law)
Harassment/Discrimination

DEFINITION
Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

PROHIBITION
Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION
Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

GUIDELINES
Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/ discrimination.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent.

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of receipt of the original complaint, regardless of the manner in which the
complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

2. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.

3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
   - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
   - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved code of acceptable behavior and discipline.

4. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and

5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

NOTIFICATIONS
Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.
PROHIBITED CONDUCT
Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;

2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;

3. Instances involving sexual violence;

4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;

5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;

6. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and

7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY
District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

APPEAL
Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

RETRALIATION PROHIBITED
No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.
Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

FALSE COMPLAINTS
Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

OTHER CLAIMS
When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

REFERENCES:
KRS 158.156
42 USC §2000e, Civil Rights Act of 1964, Title VII
Racial Incidents and Harassment against Students at Educational Institutions; Investigative Guidance (U.S. Department of Education)
U.S. Supreme Court – Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
29 C.F.R. §1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII
20 U.S.C. §1681, Education Amendments of 1972, Title IX
34 C.F.R. §106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX

RELATED POLICIES:
03.162; 03.262
09.13; 09.2211; 09.227
09.422; 09.426; 09.438
Student Discipline Code

DEVELOPMENT
In accordance with KRS 158.148 and 704 KAR 7:050, the Board shall develop a student discipline code that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, legal guardians, or other persons exercising custodial control or supervision. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees.

The code shall establish standards of acceptable student behavior and discipline and may include District-wide standards of behavior for students who participate in extracurricular and co-curricular activities.

The code also shall include a process addressing how students can report code violations to District personnel for appropriate action.

DISTRIBUTION
Once reviewed and approved, the student discipline code shall be distributed to students and parents in the District, including those students who enroll during the school year.

REVIEW
The Board shall update the student discipline code at least every two (2) years.

REPORTING OF DATA
As directed by the Kentucky Department of Education (KDE), the District shall report to the Center for School Safety when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under KRS 525.070 or KRS 525.080 in relation to a serious incident.

Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.

REFERENCES:
KRS 158.444; KRS 158.148; KRS 158.153; KRS 158.165; KRS 160.295
KRS 525.070, KRS 525.080
704 KAR 7:050, Student Discipline Guidelines, Kentucky Department of Education

RELATED POLICIES:
09.2211, 09.3, 09.42, 09.421, 09.422, 09.426, 09.42811
Employee Reports of Criminal Activity

To promote the safety and well-being of students, the District requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

**KRS 158.154**

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**

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

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

2. 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**

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 a written report 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.

**KRS 620.030**

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

**REFERENCES:**

- KRS 158.154
- KRS 158.155
- KRS 158.156
- KRS 525.070, KRS 525.080
- KRS 527.070, KRS 527.080
- KRS 620.030

**RELATED POLICIES:**

- 03.13251/03.23251
- 05.48
- 09.227
- 09.422
- 09.423
- 09.425
- 09.426
- 09.438