AN ACT relating to corporal punishment in schools.

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

SECTION 1. A NEW SECTION OF KRS 158.440 TO 158.449 IS CREATED TO READ AS FOLLOWS:

1. As used in this section, "corporal punishment":

   (a) Means the deliberate infliction of severe physical pain on a student by any means intended to punish or discipline the student, including but not limited to paddling, striking, shaking, or spanking; and

   (b) Does not include:

       1. Spontaneous physical contact intended to protect a student from immediate danger; and

       2. Reasonable athletic and military training.

2. School district employees, nonfaculty coaches, and nonfaculty assistants as described in KRS 161.185, shall not use corporal punishment on any student.

SECTION 2. KRS 158.444 is amended to read as follows:

1. The Kentucky Board of Education shall promulgate appropriate administrative regulations relating to school safety, student discipline, and related matters.

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 and expulsions; 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) 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.

(5) Parents, legal guardians, or other persons exercising custodial control or supervision
shall have the right to inspect or challenge the personally identifiable student
records as permitted under the Kentucky Family Education Rights and Privacy Act
and the federal Family Educational Rights and Privacy Act and implementing
regulations.

(6) Data collected under this section on an individual student committing an incident
reportable under subsection (2)(b)1. of this section shall be placed in the student's
disciplinary record.

Section 3. KRS 503.110 is amended to read as follows:

(1) The use of physical force by a defendant upon another person is justifiable when the
defendant is a parent, guardian, teacher, or other person entrusted with the care and
supervision of a minor or an incompetent person, or, when the defendant is a
special purpose, and:

(a) The defendant believes that the force used is necessary to promote the welfare
of a minor or mentally disabled person or, if the defendant's responsibility for
the minor or mentally disabled person is for a special purpose, to further that
special purpose, or maintain reasonable discipline in a school, class, or other
group, and

(b) The force that is used is not designed to cause or known to create a substantial
risk of causing death, serious physical injury, disfigurement, extreme pain, or
extreme mental distress.

(2) The use of physical force by a defendant upon another person is justifiable when the
defendant is a warden or other authorized official of a correctional institution, and:

(a) The defendant believes that the force used is necessary for the purpose of enforcing the lawful rules of the institution;

(b) The degree of force used is not forbidden by any statute governing the administration of the institution; and

(c) If deadly force is used, its use is otherwise justifiable under this code.

(3) The use of physical force by a defendant upon another person is justifiable when the defendant is a person responsible for the operation of or the maintenance of order in a vehicle or other carrier of passengers and the defendant believes that such force is necessary to prevent interference with its operation or to maintain order in the vehicle or other carrier, except that deadly physical force may be used only when the defendant believes it necessary to prevent death or serious physical injury.

(4) The use of physical force by a defendant upon another person is justifiable when the defendant is a doctor or other therapist or a person assisting him at his direction, and:

(a) The force is used for the purpose of administering a recognized form of treatment which the defendant believes to be adapted to promoting the physical or mental health of the patient; and

(b) The treatment is administered with the consent of the patient or, if the patient is a minor or a mentally disabled person, with the consent of the parent, guardian, or other person legally competent to consent in his behalf, or the treatment is administered in an emergency when the defendant believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.