

1 AN ACT relating to discriminatory practices against a person.

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

3 ➔Section 1. KRS 344.010 is amended to read as follows:

4 **As used** in this chapter:

5 (1) "Person" includes one (1) or more individuals, labor organizations, joint  
6 apprenticeship committees, partnerships, associations, corporations, legal  
7 representatives, mutual companies, joint-stock companies, trusts, unincorporated  
8 organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal  
9 or commercial entity; the state, any of its political or civil subdivisions or  
10 agencies;[f-]

11 (2) "Commission" means the Kentucky Commission on Human Rights;[f-]

12 (3) "Commissioner" means a member of the commission;[f-]

13 (4) "Disability" means, with respect to an individual:

14 (a) A physical or mental impairment that substantially limits one (1) or more of  
15 the major life activities of the individual;

16 (b) A record of such an impairment; or

17 (c) Being regarded as having such an impairment.

18 Persons with current or past controlled substances abuse or alcohol abuse problems  
19 and persons excluded from coverage by the Americans with Disabilities Act of  
20 1990 (P.L. 101-336) shall be excluded from this section;[f-]

21 (5) "Discrimination" means any direct or indirect act or practice of exclusion,  
22 distinction, restriction, segregation, limitation, refusal, denial, or any other act or  
23 practice of differentiation or preference in the treatment of a person or persons, or  
24 the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under  
25 this chapter;[f-]

26 (6) **"Protective hairstyles" includes but is not limited to such natural hairstyles as**  
27 **braids, locks, and twists;**

1 (7) "Real property" includes buildings, structures, real estate, lands, tenements,  
2 leaseholds, cooperatives, condominiums, and hereditaments, corporeal and  
3 incorporeal, or any interest in the above;[f-]

4 (8)[f(7)] "Housing accommodations" includes improved and unimproved property and  
5 means any building, structure, lot or portion thereof, which is used or occupied, or  
6 is intended, arranged, or designed to be used or occupied as the home or residence  
7 of one (1) or more families, and any vacant land which is offered for sale or lease  
8 for the construction or location thereon of any such building or structure;[f-]

9 (9)[f(8)] **"Race" includes traits historically associated with race, including but not**  
10 **limited to hair texture and protective hairstyles;**

11 (10) "Real estate operator" means any individual or combination of individuals, labor  
12 organizations, joint apprenticeship committees, partnerships, associations,  
13 corporations, legal representatives, mutual companies, joint-stock companies, trusts,  
14 unincorporated organizations, trustees in bankruptcy, receivers, or other legal or  
15 commercial entity, the county, or any of its agencies, that is engaged in the business  
16 of selling, purchasing, exchanging, renting, or leasing real estate, or the  
17 improvements thereon, including options, or that derives income, in whole or in  
18 part, from the sale, purchase, exchange, rental, or lease of real estate; or an  
19 individual employed by or acting on behalf of any of these;[f-]

20 (11)[f(9)] "Real estate broker" or "real estate salesman" means any individual, whether  
21 licensed or not, who, on behalf of others, for a fee, commission, salary, or other  
22 valuable consideration, or who with the intention or expectation of receiving or  
23 collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or  
24 the improvements thereon, including options, or who negotiates or attempts to  
25 negotiate on behalf of others such an activity; or who advertises or holds himself **or**  
26 **herself** out as engaged in these activities; or who negotiates or attempts to negotiate  
27 on behalf of others a loan secured by mortgage or other encumbrance upon a

1 transfer of real estate, or who is engaged in the business of charging an advance fee  
2 or contracting for collection of a fee in connection with a contract whereby he or  
3 she undertakes to promote the sale, purchase, exchange, rental, or lease of real  
4 estate through its listing in a publication issued primarily for this purpose; or any  
5 person employed by or acting on behalf of any of these;[-]

6 (12)~~(10)~~ "Financial institution" means bank, banking organization, mortgage company,  
7 insurance company, or other lender to whom application is made for financial  
8 assistance for the purchase, lease, acquisition, construction, rehabilitation, repair,  
9 maintenance, or improvement of real property, or an individual employed by or  
10 acting on behalf of any of these;[-]

11 (13)~~(11)~~ "Licensing agency" means any public or private organization which has as  
12 one (1) of its duties the issuing of licenses or the setting of standards which an  
13 individual must hold or must meet as a condition to practicing a particular trade or  
14 profession or to obtaining certain employment within the state or as a condition to  
15 competing effectively with an individual who does hold a license or meet the  
16 standards;[-]

17 (14)~~(12)~~ "Credit transaction" shall mean any open or closed end credit transaction  
18 whether in the nature of a loan, retail installment transaction, credit card issue or  
19 charge, or otherwise, and whether for personal or for business purposes, in which a  
20 service, finance, or interest charge is imposed, or which provides for repayment in  
21 scheduled payments, when such credit is extended in the course of the regular  
22 course of any trade or commerce, including but not limited to transactions by banks,  
23 savings and loan associations, or other financial lending institutions of whatever  
24 nature, stock brokers, or by a merchant or mercantile establishment which as part of  
25 its ordinary business permits or provides that payment for purchases of property or  
26 services therefrom may be deferred;[-]

27 (15)~~(13)~~ "To rent" means to lease, to sublease, to let, or otherwise to grant for a

1 consideration the right to occupy premises not owned by the occupant;[-]

2 (16)~~[(14)]~~ "Family" includes a single individual;[-]

3 (17)~~[(15)]~~ (a) "Familial status" means one (1) or more individuals who have not  
4 attained the age of eighteen (18) years and are domiciled with:

5 1. A parent or another person having legal custody of the individual or  
6 individuals; or

7 2. The designee of a parent or other person having custody, with the  
8 written permission of the parent or other person.

9 (b) The protection afforded against discrimination on the basis of familial status  
10 shall apply to any person who is pregnant or is in the process of securing legal  
11 custody of any individual who has not attained the age of eighteen (18) years;  
12 and[-]

13 (18)~~[(16)]~~ "Discriminatory housing practice" means an act that is unlawful under KRS  
14 344.360, 344.367, 344.370, 344.380, or 344.680.

15 ➔Section 2. KRS 344.020 is amended to read as follows:

16 (1) The general purposes of this chapter are:

17 (a) To provide for execution within the state of the policies embodied in the  
18 Federal Civil Rights Act of 1964 as amended (78 Stat. 241), Title VIII of the  
19 Federal Civil Rights Act of 1968 (82 Stat. 81), the Fair Housing Act as  
20 amended (42 U.S.C. 360), the Federal Age Discrimination in Employment  
21 Act of 1967 (81 Stat. 602), the Americans with Disabilities Act of 1990 (P.L.  
22 101-336), and the Civil Rights Act of 1991 as amended (P.L. 102-166,  
23 amended by P.L. 102-392);

24 (b) To safeguard all individuals within the state from discrimination because of  
25 familial status, race, color, religion, national origin, sex, age forty (40) and  
26 over, or because of the person's status as a qualified individual with a  
27 disability as defined in KRS 344.010 and ~~KRS~~ 344.030; thereby to protect

1           their interest in personal dignity and freedom from humiliation, to make  
2           available to the state their full productive capacities, to secure the state against  
3           domestic strife and unrest which would menace its democratic institutions, to  
4           preserve the public safety, health, and general welfare, and to further the  
5           interest, rights, and privileges of individuals within the state;

6           (c) To establish as the policy of the Commonwealth the safeguarding of the rights  
7           of an individual selling or leasing his or her primary residence through private  
8           sale without the aid of any real estate operator, broker, or salesman and  
9           without advertising or public display.

10          (2) This chapter shall be construed to further the general purposes stated in this section  
11           and the special purposes of the particular provision involved.

12          (3) Nothing in this chapter shall be construed as indicating an intent to exclude local  
13           laws on the same subject matter not inconsistent with this chapter.

14          (4) Nothing contained in this chapter shall be deemed to repeal any other law of this  
15           state relating to discrimination because of familial status, race, color, religion,  
16           national origin, sex, age forty (40) and over, or because of the person's status as a  
17           qualified individual with a disability as defined in KRS 344.030.

18          **(5) Nothing in this chapter shall be construed to prohibit any reasonable workplace**  
19           **policies, including but not limited to:**

20           **(a) Occupational safety and health standards described in KRS Chapter 338;**

21           **(b) Policies and procedures adopted by workplaces regarding workplace safety**  
22           **and attire; and**

23           **(c) Policies and procedures adopted by law enforcement agencies regarding**  
24           **workplace safety and uniforms.**

25          ➔Section 3. KRS 158.148 is amended to read as follows:

26          (1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or  
27           social behavior among students that involves a real or perceived power

1 imbalance and is repeated or has the potential to be repeated:

2 1. That occurs on school premises, on school-sponsored transportation, or  
3 at a school-sponsored event; or

4 2. That disrupts the education process.

5 (b) This definition shall not be interpreted to prohibit civil exchange of opinions  
6 or debate or cultural practices protected under the state or federal Constitution  
7 where the opinion expressed does not otherwise materially or substantially  
8 disrupt the education process.

9 (2) In cooperation with the Kentucky Education Association, the Kentucky School  
10 Boards Association, the Kentucky Association of School Administrators, the  
11 Kentucky Association of Professional Educators, the Kentucky Association of  
12 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber  
13 of Commerce, the Farm Bureau, members of the Interim Joint Committee on  
14 Education, and other interested groups, and in collaboration with the Center for  
15 School Safety, the Department of Education shall develop or update as needed and  
16 distribute to all districts by August 31 of each even-numbered year, beginning  
17 August 31, 2008:

18 (a) Statewide student discipline guidelines to ensure safe schools, including the  
19 definition of serious incident for the reporting purposes as identified in KRS  
20 158.444;

21 (b) Recommendations designed to improve the learning environment and school  
22 climate, parental and community involvement in the schools, and student  
23 achievement; and

24 (c) A model policy to implement the provisions of this section and KRS 158.156,  
25 158.444, 525.070, and 525.080.

26 (3) The department shall obtain statewide data on major discipline problems and  
27 reasons why students drop out of school. In addition, the department, in

1 collaboration with the Center for School Safety, shall identify successful strategies  
2 currently being used in programs in Kentucky and in other states and shall  
3 incorporate those strategies into the statewide guidelines and the recommendations  
4 under subsection (2) of this section.

5 (4) Copies of the discipline guidelines shall be distributed to all school districts. The  
6 statewide guidelines shall contain broad principles and legal requirements to guide  
7 local districts in developing their own discipline code and school councils in the  
8 selection of discipline and classroom management techniques under KRS 158.154;  
9 and in the development of the district-wide safety plan.

10 (5) (a) Each local board of education shall be responsible for formulating a code of  
11 acceptable behavior and discipline to apply to the students in each school  
12 operated by the board. The code shall be updated no less frequently than every  
13 two (2) years, with the first update being completed by November 30, 2008.

14 (b) The superintendent, or designee, shall be responsible for overall  
15 implementation and supervision, and each school principal shall be  
16 responsible for administration and implementation within each school. Each  
17 school council shall select and implement the appropriate discipline and  
18 classroom management techniques necessary to carry out the code. The board  
19 shall establish a process for a two-way communication system for teachers  
20 and other employees to notify a principal, supervisor, or other administrator of  
21 an existing emergency.

22 (c) The code shall prohibit bullying.

23 (d) **The code shall prohibit discrimination on the basis of race as defined in**  
24 **Section 1 of this Act and shall not be interpreted to restrict the adoption of**  
25 **reasonable school safety policies.**

26 (e) The code shall contain the type of behavior expected from each student, the  
27 consequences of failure to obey the standards, and the importance of the

1 standards to the maintenance of a safe learning environment where orderly  
2 learning is possible and encouraged.

3 ~~(f)(e)~~ The code shall contain:

- 4 1. Procedures for identifying, documenting, and reporting incidents of  
5 bullying, incidents of violations of the code, and incidents for which  
6 reporting is required under KRS 158.156;
- 7 2. Procedures for investigating and responding to a complaint or a report of  
8 bullying or a violation of the code, or of an incident for which reporting  
9 is required under KRS 158.156, including reporting incidents to the  
10 parents, legal guardians, or other persons exercising custodial control or  
11 supervision of the students involved;
- 12 3. A strategy or method of protecting from retaliation a complainant or  
13 person reporting an incident of bullying, a violation of the code, or an  
14 incident for which reporting is required under KRS 158.156;
- 15 4. A process for informing students, parents, legal guardians, or other  
16 persons exercising custodial control or supervision, and school  
17 employees of the requirements of the code and the provisions of this  
18 section and KRS 158.156, 158.444, 525.070, and 525.080, including  
19 training for school employees; and
- 20 5. Information regarding the consequences of bullying and violating the  
21 code and violations reportable under KRS 158.154, 158.156, or 158.444.

22 ~~(g)(f)~~ The principal of each school shall apply the code of behavior and  
23 discipline uniformly and fairly to each student at the school without partiality  
24 or discrimination.

25 ~~(h)(g)~~ A copy of the code of behavior and discipline adopted by the board of  
26 education shall be posted at each school. Guidance counselors shall be  
27 provided copies for discussion with students. The code shall be referenced in



1           all school handbooks. All school employees and parents, legal guardians, or  
2           other persons exercising custodial control or supervision shall be provided  
3           copies of the code.

4           ➔Section 4. This Act may be cited as the C.R.O.W.N. Act.