



KENTUCKY EQUALITY FEDERATION

*Peace. Liberty.
Equality.*

(877) KEF-5775 | www.kyequality.org

Though fiduciary duty primary deals with corporations and financial issues, I cannot think of anything worth more than the safety of Kentucky's children. As such, you have [in my personal opinion] a fiduciary duty to protect the physical and mental health of students under your care in addition to ensuring their academic success.

We have assured the parents that Kentucky Equality Federation will defend their legal rights and ensure the school takes their complaints seriously. Kentucky Equality Federation has also offered to be present when official complaints are reported.

The National Bully Police gives the Commonwealth's anti-bullying laws an A+ Rating. House Bill 91 was proposed in 2008 and passed by the Kentucky House of Representatives¹ and the Kentucky Senate and signed into law by The Honorable Steve Beshear, Governor of the Commonwealth on April 15, 2008.

The law is commonly referred to as "The Golden Rule Act."

- The academic consequences of school bullying are severe, not to mention the mental and physical well-being of targeted students and bystanders alike. School-wide anti-bullying projects, involving parents and non-teaching staff along with teachers and student leaders have been shown to reduce harassment by as much as fifty percent. - *Safe Schools Coalition*

Being verbally or physically assaulted is one of the primary reasons students turn to drugs, alcohol, and/or dropout of school altogether; they cannot cope with the constant verbal and physical assaults. Some students even commit suicide.

The bottom line is that all students deserve the right to be able to be who they are, without:

- a) Having to face verbal or physical violence.
- b) Having to lie about being lesbian, gay, bisexual, transgender or intersex.
- c) Having to lie about having LGBTI friends or family members.

Kentucky law requires the following among other things:

- *The principal of each school shall apply the code of behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.*
- *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.*

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; or*
- b) *Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or*
- c) *In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or*
- d) *Follows a person in or about a public place or places; or*
- 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*



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- 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.*

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 written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; [or]*
 - 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.*

As a non-profit, non-government organization (NGO), Kentucky Equality Federation will take legal action against your school if immediate action is not taken to remedy the situation.

To avoid legal action, as the advocate and voice of the parents and bullied children, no later than March 30, 2012 Clay County Schools shall:

- Permit Kentucky Equality Federation officials or another NGO shall address the entire student body to address the consequences of school bullying. School officials are also encouraged to participate. Kentucky Equality Federation will provide school officials with a full copy of all materials and topics to be discussed with the full student body.
- Implement a school bullying reporting policy consistent with Kentucky law.
- Educate all school officials on Kentucky school bullying laws.
- Begin immediate enforcement of Kentucky school bullying laws and procedures and forward all school bullying complaints to the County Attorney for investigation.

Please notify Kentucky Equality Federation and our legal representation of your intentions no later than March 30, 2012 by emailing is at discrimination@kyequality.org.

We eagerly await your reply and look forward to working with you on this issue.



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Working posthaste on this issue is recommended; should bullied students harm themselves before the aforementioned is implemented, the school and all involved officials will be held legally accountable.

Regards,

Jordan Palmer
President

Joshua Koch
Vice President of Policy & Public Relations

Shannon McKinney
Southern Kentucky Regional Director

Will Taylor
Southeastern Kentucky Regional Director

Matt Berry
Eastern Kentucky Regional Director

cc: Kentucky Equality Federation Discrimination, Hate Crimes, and School Bullying Committee
Kentucky Equality Public Advocate Service Committee Members
Rose Law Offices, Legal Representation for Kentucky Equality Federation

¹ The law was supported and sponsored by some of the Commonwealth's Senior Representatives, including: Senior Representative Mary Lou Marzian, Senior Representative Ruth Ann Palumbo, former House Speaker Jody Richards, Senior Representative Mike Cherry, Senior Representative Larry Clark, Representative Derrick Graham, Representative Keith Hall, Representative Richard Henderson, Senior Representative Tom Riner, and Representative Tommy Thompson.