



# Legislation Enacted During The 2019 Regular Session of the General Assembly Impacting Our Common Schools

Compiled by the Kentucky School Boards Association

April 2019



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What follows is a summary of some notable bills, followed by a listing of other bills that were enacted by the General Assembly that will impact the students, staff, and leaders of our common schools.

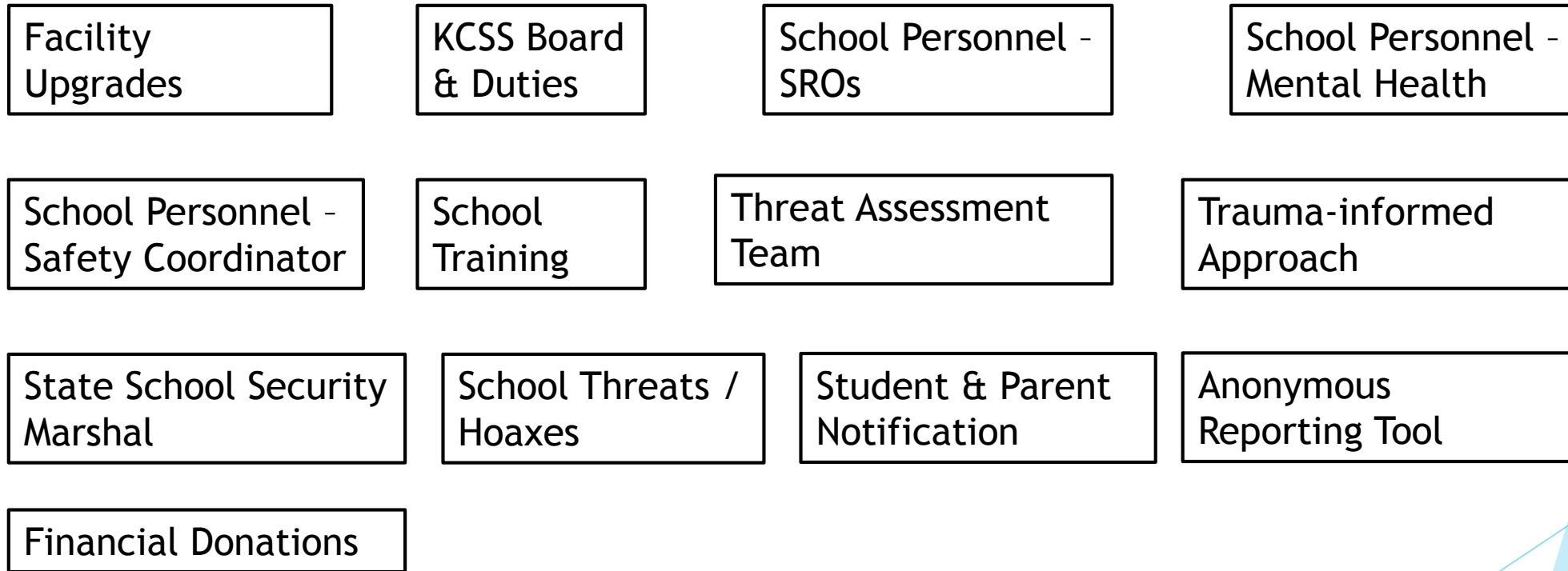
Notable bills include:

- ▶ **SB 1**      The School Safety and Resiliency Act
- ▶ **SB 8**      Tribunal Reform
- ▶ **SB 15**     Background Checks
- ▶ **HB 22**     Local School Board Vacancies
- ▶ **HB 227**    Local School Board Member Per Diem

Unless otherwise noted, all bills will be effective on **June 27, 2019**.

▶ **SB 1**      The School Safety and Resiliency Act

Major Components:



NOTE: SB 1 has already taken effect.

## *SB 1 - Facility Upgrades*

- ▶ **KRS 158.162** - Some existing options are made **mandatory**. Schools shall:
  - ▶ Control outside access to exterior doors during school day;
  - ▶ Control main entrance with electronically locking doors, a camera, and intercom
  - ▶ Control access to individual classrooms;
  - ▶ Equip classroom doors with hardware to be locked from outside by opened from inside;
  - ▶ Keep classroom doors closed and locked during instructional time;
  - ▶ Equip classroom doors w/ windows with material to cover the window during a lockdown;
  - ▶ Require all visitors to report to office and provide identification; and
  - ▶ Provide a visitor badge to be visibly displayed on visitor's outer garment.
  
- ▶ **Deadline is July 1, 2022**. Penalty for noncompliance is a restriction on approval for certain facility projects.

## *SB 1 - KCSS Board & Duties*

- ▶ KY Center for School Safety (KCSS) Board restructured to consist of 15 members, evenly split by expertise:
  - ▶ 5 education
  - ▶ 5 mental health
  - ▶ 5 law enforcement
- ▶ Board will approve a training program for district school safety coordinators, developed by KCSS staff.
- ▶ Board will approve the school security risk assessment tool, developed by the state school security marshal.

## *SB 1 - School Personnel / SROs*

- ▶ “Local boards of education, school district superintendents, and local and state law enforcement agencies shall cooperate **to assign** one (1) or more certified school resource officers to each school within a school district **as funds and qualified personnel become available.**”
- ▶ Definition of “School Resource Officer” (SRO) now covers all types of officers and all methods of employment.
- ▶ More specific, formalized training to be created and offered by the Department of Criminal Justice Training (DOCJT).
- ▶ Districts shall either adopt policies or enter into MOUs, to “state the purpose of the school resource officer program and clearly define the roles and expectations of” SROs and other staff.
- ▶ Districts shall report annually to KCSS on number of SROs, their placement, sources of funding, and method of employment.

## SB 1 - School Personnel / Mental Health

- ▶ “Beginning July 1, 2021 or as funds and qualified personnel become available, each school district . . . shall employ at least one (1) school counselor in each school with the **goals** of having one (1) school counselor for every two hundred fifty (250) students and the school counselor spending sixty percent (60%) or more of his or her time in direct services to students.”
- ▶ “School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.”

## Key definitions:

- ▶ **"School counselor"** means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board.
- ▶ **"School-based mental health services provider"** means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in **KRS 202A.011**.



- ▶ “School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities including but not limited to local or regional mental health day treatment programs.”
- ▶ Districts shall report annually to the Kentucky Department of Education (KDE) on number of counselors, sources of funding, summary of job duties, and approximate percentage of time devoted to each job duty.
- ▶ The Office of Education Accountability (OEA) is directed to conduct a study on the actual usage of school guidance counselors' time in schools. It must report its findings to the General Assembly by December 1, 2019.

## *SB 1 - School Personnel / Safety Coordinator*

- ▶ Beginning with the 2019-2020 school year, each . . . superintendent shall **appoint** a district-level school administrator to serve as the district's school safety coordinator and primary point of contact for public school safety and security functions
- ▶ [Coordinator shall] “formulate recommended policies and procedures, which shall be excluded from [open records laws], for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162.”
- ▶ The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan.

## *SB 1 - School Training*

- ▶ **School Safety Coordinator:** Complete the KCSS coordinator training program within 6 months of appointment
  
- ▶ **Suicide Prevention Awareness:**
  - ▶ Information provided to all students in grades 6 to 12, **every other year by Sept. 15**
  - ▶ 1-hour of training for all employees with job duties requiring direct contact with students in grades 6 to 12, **every other year by Sept. 15**
  
- ▶ **Active Shooter Response:** 1-hour of training for all employees with job duties requiring direct contact with students, **by Nov. 1, 2019, and annually thereafter**

## *SB 1 - Threat Assessment Team*

- ▶ [Coordinator shall] “designate a school safety and security threat assessment team at each school . . . consisting of two (2) or more staff members in accordance with policies and procedures adopted by the local board of education to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel.”
  
- ▶ “The school district, school safety coordinator, and any school employees participating in the activities of a school safety and security threat assessment team, acting in good faith upon reasonable cause in the identification of students pursuant to . . . this section shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:
  - (a) Identifying the student and implementing a response pursuant to policies and procedures adopted under . . . this section; or
  - (b) Participating in any judicial proceeding that results from the identification.”

## *SB 1 - Trauma-informed Approach*

- ▶ ““Trauma-informed approach” means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.”
- ▶ “A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel.”
- ▶ KDE will provide a toolkit with guidance on trauma-informed implementation **by 7-1-20**
- ▶ Districts shall adopt a plan for trauma-informed implementation **by 7-1-21**

## *SB 1 - State School Security Marshal*

- ▶ State school security marshal shall enhance school safety by monitoring school safety and security initiatives, developing reasonable training and other guidelines, developing the school security risk assessment tool, and ensuring compliance with facility security requirements.
- ▶ May conduct on-site reviews as deemed necessary, in order to ensure compliance with the explicitly enumerated statutes.
- ▶ Appointed by DOCJT Commissioner.
- ▶ Annual report to KCSS, the General Assembly, and Kentucky Board of Education (KBE).

- ▶ By July 1, 2020, the marshal shall develop and update a school security risk assessment tool, in collaboration with KCSS and KDE, to be used by districts to identify threats, vulnerabilities, and appropriate safety controls for each school. The tool shall be approved by the KCSS Board and used by school administrators when completing school security risk assessments.
- ▶ The tool shall enable administrators to evaluate school security compared to best practices and standards.
- ▶ No later than July 15, 2021, superintendents shall send verification to the marshal and KDE that all schools have completed the assessment for the previous year. Assessments are excluded from open records law pursuant to KRS 61.878(1)(m).
- ▶ Beginning with the 2021-2022 school year, any school that has not completed an assessment in the previous year shall be required to provide additional mandatory training as established by the for all staff employed at the school.

## *SB 1 - School Threats / Hoaxes*

KRS 508.078 (state penal code) is amended to clarify explicitly that a person is guilty of **2<sup>nd</sup> degree terroristic threatening** when he or she intentionally:

Makes false statements by any means, including by electronic communication, for the purpose of:

1. Causing evacuation of a school building, school property, or school sanctioned activity;
2. Causing cancellation of school classes or school sanctioned activity; or
3. Creating fear of serious bodily harm among students, parents, or school personnel.

This is a Class D Felony.



## *SB 1 - Student & Parent Notification*

The principal of each school 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 provisions of **KRS 508.078** (i.e. the new 2<sup>nd</sup> degree terroristic threatening statute) and potential penalties under KRS 532.060 and 534.030 upon conviction.

## *SB 1 - Anonymous Reporting Tool*

- ▶ By July 1, 2019, the Kentucky Office of Homeland Security, after collaborating with KCSS, KDE, DOCJT, and the State Police, shall **make available** to each district an anonymous reporting tool that allows students, parents, and community members to anonymously supply information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.
- ▶ The reporting tool shall be accessible at least by telephone call, e-mail, and a mobile device application.
- ▶ Information reported using the tool shall immediately be sent to the administration of each district affected and the law enforcement agencies responsible for protection of those districts.

## *SB 1 - Financial Donations*

- ▶ Any public school district foundation may accept gifts or donations that are restricted by the grantor to be used in furtherance of lawful school safety, security, and student health purposes to the extent allowed by applicable federal tax laws. It shall use gifts or donations exclusively for the purpose for which they are granted.
- ▶ The General Assembly hereby encourages the organization of foundations to support public school districts in any district for which no foundation exists.
- ▶ Pursuant to **KRS 160.580**, a local board of education may directly accept gifts or donations that are restricted by the grantor to be used in furtherance of lawful school safety, security, and student health purposes to the extent allowed by applicable laws and shall use any accepted gift or donation for the purpose for which it was granted.

▶ **SB 8**      Tribunal Reform

Specify that a local board must comply with ADA, HIPAA, and other federal laws, in placing teachers or superintendents on leave due to physical/mental disability, and prohibit board from requesting unnecessary medical information or disclosing any medical information.

Amend **KRS 161.790** to:

Clarify the causes for which a teacher contract may be terminated;

Require an attorney to serve as hearing officer and chair;

Remove the lay person from the tribunal;

Establish selection & training requirements for hearing officers;

Establish a prehearing conference for motions & mediation;

Establish tribunal's decision as a recommended order and allow parties to file exceptions; allow hearing officer to respond to exceptions by entering original recommended order or an amended order as a final order; and

Limit decisions to upholding or overturning the decision of the superintendent.

▶ **SB 15**      **Background Checks**

Amend **KRS 160.380** to remove the definition & use of "contractor"; define terms and consolidate repetitive language; remove obsolete language;

Amend the requirement for background checks and clear child abuse and neglect (CA/N) checks to narrowly tailor it to the following:

1. Each new certified or classified hire;
2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
3. A student teacher;
4. A school-based decision making council parent member; and
5. **Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity.**

Permit probationary employment of an individual prior to receipt of a background check and clear CA/N check for positions vacant after July 31<sup>st</sup>.

▶ **HB 22** Local Board Vacancies

Amend **KRS 160.190** to change a local school board vacancy from being appointed by the commissioner to being appointed by a majority vote of the remaining members of the board within 60 days. If the board doesn't do so, the commissioner will fill it within 60 days of that date.

Before selecting a person, the board shall first advertise the vacancy on its website and in the local newspaper for at least 2 weeks.

Also, if no candidate files a petition of nomination to run for an unexpired term on a board, then a new vacancy shall exist on November 1.

If no candidate files a petition of nomination to run for a new term on a board, then a vacancy shall exist on January 1.

▶ **HB 227** Local Board Per Diem

Amend **KRS 160.280** to increase the allowed per diem for members of local school boards from \$75 to \$150; and increase the total annual maximum of per diem and reimbursed expenses from \$3,000 to \$6,000.

NOTE: HB 227 takes effect July 1, 2019

NOTE: Just as with the former amounts, any individual board member may elect to forgo any amount of per diem and reimbursements, or may accept payment and then donate the funds back to the district or to any charity.

▶ **HB 11** Tobacco-Free Schools

Prohibits use of tobacco products, alt. tobacco products, and vapor products by students, school personnel, and visitors in schools, school vehicles, properties, and activities. Requires local policies to be in place by the 2020-2021 school year, with proper signage. Allow local boards to opt out of the provisions within three years.

▶ **HB 21** Donations to Districts Restricted for FRYSCs

Explicitly allow school districts to accept monetary donations restricted for the operation of family resource and youth services centers.

▶ **HB 26** Purchasing Threshold Increases

Increase from \$20,000 to \$30,000 the maximum amount of a contract for which a district may use small purchase procedures under the model procurement code. Amend KRS 424.260 to allow districts to make contracts up to \$30,000, rather than up to \$20,000, without taking out newspaper advertisements for bids. Increase bidder security and bonding requirements to \$100,000 in lieu of \$25,000.



▶ **HB 46**     Posting of the National Motto in Schools

Require each public elementary and secondary school to display the national motto in a prominent location in the school.

▶ **HB 49**     Local Property Tax Recall Process

Only in the case of school districts primarily located in a consolidated local government or urban-county, extend the deadline to file a tax rate recall petition from 45 to 50 days. Allow petition papers to be substantially uniform in style, and the names of voters from more than one voting precinct to be on the same sheet of the petition paper. Allow electronic petition signatures to be counted when the expenses associated with them have been incurred by the petition committee and they comply with the Uniform Electronic Transactions Act.

▶ **HB 61**     KEES Awards for Qualified Workforce Training Programs

Allow a student's KEES award funds to be used for qualified workforce training programs.

▶ **HB 69** Local School Board Financial Investments

Regarding district financial investments, use the term "competent rating agency" in lieu of "nationally recognized rating agency." Allow investment in individual equity securities and individual high-quality corporate bonds meeting specified requirements. Provide that certain investments do not exceed 40% of the total money invested, and restrict investment to no more than 5% of the total amount of money in any one issuer. Require that certificates of deposit (CDs) and other interest-bearing accounts are issued by institutions having a presence in Kentucky.

▶ **HB 135** Public Entity Contracting and Labor Organization Agreements

Mandate that public agencies awarding contracts shall not require or prohibit bidders to adhere to agreements with a labor organization relating to a public works project.

▶ **HB 158** Child Welfare; Foster Child Bill of Rights; Abuse Reporting by Districts

Makes numerous amendments to child welfare statutes, including the establishment of a foster child bill of rights. Amend KRS 620.030 to clarify who an individual makes a report to when she/he suspects the abuse or neglect of a child. NOTE: HB 158 has already taken effect.

▶ **HB 166** Establishing A Day of Prayer for Students

Designate the last Wednesday in September of each year as “A Day of Prayer for Kentucky's Students.”

▶ **HB 270** Emergency and Targeted Investment Fund Loans for Districts

Authorize the School Facilities Construction Commission (SFCC) to make loans from the Emergency and Targeted Investment Fund in fiscal years 2018-2019 and 2019-2020 to a school district that meets specified criteria. NOTE: HB 270 has already taken effect.

▶ **HB 328** Firearms on School Property Prohibited in Students Vehicles

Amend KRS 527.070 (prohibiting possession of weapons on elementary and secondary school property) to specify that the longstanding vehicle exception for “adults” shall not apply to pupils of a secondary school over 18 years of age.

▶ **HB 354 Tax Reform**

This bill made some changes to last year’s tax reform legislation, as well as some all new tax reforms. Also, on the last night of session, the legislature passed **HB 458**, which made changes and clarifications to this bill, as well as some all new tax reforms. The estimated fiscal impact of HBs 354 and 458 on state General Fund receipts is:

<u>FY 19-20</u>	<u>At Full Implementation</u>
- 25.5 M	- 106.6 M

NOTE: HB 354 has already taken effect.

▶ **HB 378 Youth Homelessness; Transfer of Credits; Graduation Requirements**

Establish alternative educational coursework completion provisions for students who are homeless (under federal definition). This will be done via administrative regulations from the KBE to: award credit for all coursework completed by a student while enrolled at another school; allow a student who was previously enrolled in a required course the opportunity to complete the course before the beginning of the next year; award a diploma by a district from which the student transferred if the student is ineligible to graduate from the new district, but meets the graduation requirements of the old district; and exempt the student from all requirements imposed by the local board that are in addition to the state minimum requirements.

▶ **HB 399** Military Family Pre-Enrollment

Allow children of military families who are transferring to Kentucky on official military orders to pre-enroll in a school district with official documentation.

▶ **HB 419** Flexibility in Post-Retirement Reemployment

Require Kentucky Retirement Systems (KRS) members to certify at the time of retirement that no prearranged agreement exists between the member and any participating agency, rather than requiring the certification upon reemployment. Provide that a retired/reemployed member shall not be required to notify the systems if reemployment, contracting, volunteering, or serving as a leased employee first occurs with a participating agency after a period of 12 months following the member's initial retirement date; provide that employers shall not be required to certify whether a prearranged agreement existed for a retiree to return with the employer if the reemployment occurs after 12 months following retirement.

▶ **HB 444** State Funding for Local Area Technology Centers

Allow KDE to continue to distribute state supplemental funds for a locally-operated technology center to a district when the district enters a collaborative project agreement with other districts and relocates the center as part of that agreement.

▶ **SB 18** Reasonable Accommodations for Pregnant Employees

Include within the definition of "reasonable accommodation" accommodations made for pregnancy, childbirth, and related medical conditions. Make it unlawful for an employer to fail to accommodate an affected employee. Name the bill the "Kentucky Pregnant Workers' Act."

▶ **SB 98** Work Ready Kentucky Scholarship Program

Establish the Work Ready Kentucky Scholarship, administered by the Kentucky Higher Education Assistance Authority. Provide eligibility requirements and scholarship amounts.

▶ **SB 162** Kentucky State Police SROs - *and* - Water Fountains in Schools

Define "Kentucky State Police school resource officer" (KSPSRO) and specify certain requirements of employment of a KSPSRO by a school district. Specify that wages paid to a KSPSRO are excluded from creditable compensation for pension purposes. Prohibit KDE from approving building plans that do not meet certain new water fountain and water bottle filling machine mandates.

▶ **SB 164** Repeal the Kentucky Energy Efficiency Program for Schools statute

The statute referencing this program, which has not actually been offered for several years, is repealed. Districts may still continue to adopt and implement their own energy management plans, without this specific program and reporting mandate.

▶ **SB 175** School Accountability System, and CSI/TSI criteria

Amend the membership of the standards and assessment process review committee. Determine schools eligible for additional targeted support and improvement (ATSI) every three years, and change the criteria for determining schools eligible for targeted support and improvement (TSI) to be those with a student subgroup performing in the lowest 5% of all schools for three consecutive years and the subgroup's school performing in the lowest 10% of all schools by level. Require KDE to report to the legislature regarding the implementation of the new minimum graduation requirements, and unintended consequences, and also regarding assessment results and unintended consequences.

▶ **SB 192** School District Financial Matters, Bond Issuance Procedures, Bankruptcy

Apply the same 30-day statute of limitations for challenging the adoption of a lease by a district as that for challenging any ordinance/resolution. Allow notices of competitive bond sales to be posted in an electronic bidding system as an alternative advertising method. Clarify that failure to properly publish a notice of adoption of an ordinance/resolution will not void the adoption unless the failure continues for a period of 15 days. Clarify that a general obligation pledge is a pledge of taxes, limit garnishment of public funds, and allow for periodic payment of judgments in the case of bankruptcy.

▶ **SB 230** Open Records Requests via email

Allow application for inspection of records to be submitted via email and fax.

▶ **SB 250** Powers of the Jefferson County Board of Education & Superintendent

Increase the small purchase procedure limit to \$20,000 for Jefferson County Public Schools (JCPS). Grant the JCPS superintendent final approval authority for principal selections by school councils (SBDMs). Prohibit a teacher who enters an administrative position that reports directly to the JCPS superintendent from being issued a continuing service contract.